

The Estate of Cindy Lou Hill, by and through its personal representative, Joseph A. Grube; and Cynthia Metsker, individually vs. Naphcare, Inc., et al.

Case No. 2:20-cv-00410-RMP

Declaration of Edwin S. Budge

Exhibit R

THE ESTATE OF CINDY LOU HILL vs NAPHCARE
Hooper, Don - July 21, 2021

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE ESTATE OF CINDY LOU HILL, by)	
and through its personal)	
representative, Joseph A. Grube;)	
and CINDY METSKER, individually,)	
)	
Plaintiffs,)	
)	
vs.)	No.
)	2:20-cv-00410-RMP
NAPHCARE, INC., an Alabama)	
corporation; HANNAH GUBITZ,)	
individually; and SPOKANE COUNTY,)	
a political subdivision of the)	
State of Washington,)	
)	
Defendants.)	

VIDEOTAPED 30(b)(6) DEPOSITION OF SPOKANE COUNTY

THROUGH DON HOOPER

July 21, 2021

Taken via Zoom

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<p>1 APPEARANCES Page 2</p> <p>2 For the Plaintiffs:</p> <p>3 Edwin Budge</p> <p>4 Erik Heipt</p> <p>5 Hank Balson</p> <p>6 Alexandra Van Belle, legal intern</p> <p>7 Budge & Heipt, PLLC</p> <p>8 808 East Roy Street</p> <p>9 Seattle, Washington 98102</p> <p>10 206.624.3060</p> <p>11 ed@budgeandheipt.com</p> <p>12 erik@budgeandheipt.com</p> <p>13 hank@budgeandheipt.com</p> <p>14 For the Defendants NaphCare, Inc., and Hannah Gubitz:</p> <p>15 Erin Ehlert</p> <p>16 Fain Anderson Vanderhoef Rosendahl</p> <p>17 O'Halloran Spillane, PLLC</p> <p>18 701 Fifth Avenue</p> <p>19 Suite 4750</p> <p>20 Seattle, Washington 98101</p> <p>21 206.749.0094</p> <p>22 erine@favros.com</p> <p>23 For the Defendant Spokane County:</p> <p>24 John Justice</p> <p>25 Lay, Lyman, Daniel, Kamerrer & Bodganovich, PS</p> <p>26 2674 RW Johnson Boulevard Southwest</p> <p>27 Tumwater, Washington 98512</p> <p>28 360.754.3480</p> <p>29 jjjustice@lldkb.com</p> <p>30 Also present:</p> <p>31 Steve Crandall, videographer,</p> <p>32 B&A Litigation Services</p> <p>33 Steve Bartel, Spokane County risk manager</p>	<p>1 BE IT REMEMBERED that on Wednesday,</p> <p>2 July 21, 2021, at 10:02 a.m., taken via Zoom before</p> <p>3 APRIL COOK, CCR, appeared DON HOOPER, the witness herein;</p> <p>4 WHEREUPON, the following proceedings</p> <p>5 were had, to wit:</p> <p>6</p> <p>7 <<<<<< >>>>>></p> <p>8</p> <p>9 THE VIDEOGRAPHER: We are going on the</p> <p>10 record at 10:02 a.m. on July 21st, 2021.</p> <p>11 This is Volume 1, Media Unit 1, of the video</p> <p>12 recorded deposition of Spokane County 30(b)(6) in the</p> <p>13 matter of Estate of Hill v. NaphCare, filed in the</p> <p>14 United States District Court, Eastern District of</p> <p>15 Washington, Case Number 2:20-cv-00410-RMP.</p> <p>16 This deposition is being held via Zoom. The</p> <p>17 videographer is Steve Crandall from B&A Litigation</p> <p>18 Services. The court reporter is April Cook from</p> <p>19 B&A Litigation Services.</p> <p>20 Will counsel and all present please note their</p> <p>21 appearances and affiliations for the record.</p> <p>22 MR. BUDGE: This is Ed Budge for the</p> <p>23 plaintiffs, along with my co-counsel Erik Heipt and</p> <p>24 Hank Paulson and our legal intern, Alexandra Van Belle.</p> <p>25 MR. JUSTICE: John Justice for</p>
<p>1 EXAMINATION INDEX Page 3</p> <p>2 EXAMINATION BY: PAGE NO.</p> <p>3 Mr. Budge 5</p> <p>4</p> <p>5 EXHIBIT INDEX</p> <p>6 EXHIBIT NO. DESCRIPTION PAGE NO.</p> <p>7 Exhibit No. 1 Notice of Deposition(s) 7</p> <p>8 Pursuant to Civil Rule</p> <p>9 30 (b) (6)</p> <p>10 Exhibit No. 2 Spokane County Sheriff Field 28</p> <p>11 Case Report, Case</p> <p>12 #2018-10119070</p> <p>13 Exhibit No. 3 Medical Watch General 45</p> <p>14 Observation for Cindy Hill</p> <p>15 Exhibit No. 4 Digital photographs 46</p> <p>16 Exhibit No. 5 Screenshot 50</p> <p>17 Exhibit No. 6 Screenshot 67</p> <p>18 Exhibit No. 7 C 214 - Records and Data 75</p> <p>19 Practices</p> <p>20 Exhibit No. 8 Policy 207 Records and Date 76</p> <p>21 Practices</p> <p>22 Exhibit No. 9 Law Enforcement Records 76</p> <p>23 Retention Schedule</p> <p>24 Exhibit No. 10 Follow Up: Mortality Reports 78</p> <p>25</p>	<p>1 defendant Spokane County. Page 5</p> <p>2 MS. EHLERT: Erin Ehlert for NaphCare.</p> <p>3 THE VIDEOGRAPHER: Thank you.</p> <p>4 Will the court reporter please swear in the witness.</p> <p>5</p> <p>6 DON HOOPER, having been first duly sworn</p> <p>7 by the Certified Court Reporter,</p> <p>8 testified as follows:</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. BUDGE:</p> <p>12 Q Sir, could you please state your name for the record.</p> <p>13 A Sure. Donald --</p> <p>14 MR BALSON: Hank Balson for the</p> <p>15 plaintiff.</p> <p>16 THE WITNESS: -- Donald A. Hooper.</p> <p>17 Q (By Mr. Budge) All right. Mr. Hooper, before I get into</p> <p>18 my specific questions, I'm just gonna cover a few ground</p> <p>19 rules for you.</p> <p>20 I'm taking your deposition remotely today via Zoom.</p> <p>21 I'm currently in my law office. Where are you physically</p> <p>22 located at this time?</p> <p>23 A The Spokane County Jail, 1100 West Mallon, Spokane,</p> <p>24 Washington 99260.</p> <p>25 Q And is there anybody else in the room with you today?</p>

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<p style="text-align: right;">Page 6</p> <p>1 A There is not.</p> <p>2 Q Do you have any documents that pertain to this case with</p> <p>3 you today, either in the paper form or on a computer?</p> <p>4 A I don't. I -- I probably have them on computer. I don't</p> <p>5 have them in front of me because there's a -- I guess</p> <p>6 a pretty significant amount of documents, so I -- I</p> <p>7 didn't figure I'd be able to refer to them. So I don't</p> <p>8 have anything in front of me now.</p> <p>9 Q Even though I'm taking your deposition remotely today via</p> <p>10 Zoom, do you understand that this deposition is part of</p> <p>11 a formal federal court proceeding?</p> <p>12 A I do.</p> <p>13 Q And do you understand that you're under oath today just</p> <p>14 like you'd be if you were appearing live and in person in</p> <p>15 a court of law?</p> <p>16 A I do.</p> <p>17 Q And do you understand that the deposition is being audio</p> <p>18 recorded and video recorded?</p> <p>19 A I do.</p> <p>20 Q One of the reasons that the deposition is being video</p> <p>21 recorded, in addition to being transcribed by the court</p> <p>22 reporter, is that so we'll have an option of playing</p> <p>23 certain portions of the video at the trial of this matter</p> <p>24 so that the jury can listen to my questions and your</p> <p>25 answers.</p>	<p style="text-align: right;">Page 8</p> <p>1 that's one that I've signed, then...</p> <p>2 Q I'm gonna give you the ability to scroll through the</p> <p>3 document on your own. Please let me know if you have</p> <p>4 that ability. And then feel free to scroll through that</p> <p>5 on your own and let me know if you recognize Exhibit 1 to</p> <p>6 be the 30(b)(6) notice of deposition for --</p> <p>7 A Sure.</p> <p>8 Q -- today's proceeding.</p> <p>9 A Yep, I recognize this document.</p> <p>10 Q All right. Looking at the subjects that are identified</p> <p>11 as the topics for today's deposition. And you'll see</p> <p>12 that the deposition topics include No. 1:</p> <p>13 "Spokane County's policies, procedures, and</p> <p>14 customs regarding the preservation or destruction of</p> <p>15 video surveillance from the Spokane County Jail,</p> <p>16 including, but not limited to, after the death of an</p> <p>17 inmate."</p> <p>18 Have you read Topic No. 1 and are you prepared to</p> <p>19 testify today as a representative of Spokane County in</p> <p>20 response to my questions on that topic?</p> <p>21 A I believe so. I've -- I've read it. It's been a while,</p> <p>22 but I understand the -- our own customs and -- and -- of</p> <p>23 preserving video.</p> <p>24 Q And have you agreed to testify today as a representative</p> <p>25 for Spokane County on that topic?</p>
<p style="text-align: right;">Page 7</p> <p>1 Do you understand that?</p> <p>2 A Yes.</p> <p>3 Q If at any time you don't understand a question that</p> <p>4 I ask to you, please ask me to clarify it or rephrase it</p> <p>5 for you so that you understand it before you answer.</p> <p>6 Okay?</p> <p>7 A Okay.</p> <p>8 Q And if you need a break at any time for any reason,</p> <p>9 please let me know and I'll accommodate you.</p> <p>10 All right?</p> <p>11 A Yes.</p> <p>12 Q I'm gonna be sharing certain documents with you today</p> <p>13 that are exhibits to your deposition. And the first</p> <p>14 document that I'm going to be showing you is Exhibit</p> <p>15 No. 1.</p> <p>16 (Exhibit No. 1 marked for</p> <p>17 identification.)</p> <p>18 Q (By Mr. Budge) Are you able to see Exhibit No. 1 on your</p> <p>19 screen?</p> <p>20 A I can.</p> <p>21 Q Do you recognize this document as being plaintiff's</p> <p>22 Rule 30(b)(6) notice of deposition to Spokane County?</p> <p>23 A Yeah. I mean, that's what it says. I -- I've seen</p> <p>24 a number of these documents. I don't specifically</p> <p>25 remember. And so if you get to the bottom and -- and</p>	<p style="text-align: right;">Page 9</p> <p>1 A Yes.</p> <p>2 Q No. 2 says:</p> <p>3 "Efforts undertaken to preserve surveillance video</p> <p>4 from the Spokane County Jail following the death of</p> <p>5 Cindy Lou Hill including, but not limited to, the</p> <p>6 identity of the person or persons charged with preserving</p> <p>7 the video, instructions concerning preservation of video,</p> <p>8 and why certain portions were preserved and other</p> <p>9 portions not preserved."</p> <p>10 Having seen Topic No. 2, are you prepared to testify</p> <p>11 as a representative of Spokane County in response to my</p> <p>12 questions on that topic?</p> <p>13 A Yes.</p> <p>14 Q Topic No. 3 says:</p> <p>15 "Failure to preserve surveillance video from the</p> <p>16 Spokane County Jail following the death of Cindy Lou Hill</p> <p>17 and the disposition of portions of video surveillance not</p> <p>18 preserved."</p> <p>19 Having seen that topic, are you prepared to testify</p> <p>20 as a representative of Spokane County on that topic?</p> <p>21 A Yes.</p> <p>22 Q And Topic No. 4 says:</p> <p>23 "The portions of video surveillance produced to</p> <p>24 Plaintiffs in this action and the portions of video</p> <p>25 surveillance not produced to Plaintiffs in this action,</p>

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<p style="text-align: right;">Page 10</p> <p>1 including, but not limited to, why Spokane County did 2 not produce surveillance video from the hallway outside 3 Cell 2W27 between the hours of 9:15 a.m. to 4:00 p.m. 4 on the date of Cindy Lou Hill's death and why it was" -- 5 "why it did not produce video from the outside Cell 3W04 6 before 8:43 a.m. on the date of Cindy Lou Hill's death." 7 Having seen that topic, are you prepared to testify 8 as a representative of Spokane County in response to my 9 questions on that topic? 10 A Yes. 11 Q And, finally, Topic No. 5 says: 12 "Whether portions of video not produced in this 13 action can be restored or replaced." 14 Having read that topic, are you prepared to testify 15 as a representative of Spokane County in response to my 16 questions on that topic? 17 A Yes. 18 Q Okay. Does the Spokane County Detention Services 19 Department operate the Spokane County Jail? 20 A Yes. Operates two facilities: Spokane County Jail and 21 our Geiger facility, which is more the work-release and 22 work-crew facility. 23 Q My questions today are going to be relating to the 24 Spokane County Jail. 25 Does the Spokane County Detention Services</p>	<p style="text-align: right;">Page 12</p> <p>1 August of 2018? 2 A That would be handling custody duties as well, 3 administrative duties, and -- as well as -- 4 administrative duties as well as overseeing medical at 5 that time. So... 6 Q What is it about your current position with Spokane 7 County Detention Services that you think makes you well 8 positioned to testify about the topics that we've 9 designated for today's deposition? 10 A Well, I -- maybe not the only one, but I've been 11 involved with litigation of this type; overseeing 12 documents; sending -- mostly the one that coordinates 13 with the attorneys when we're dealing with litigation 14 relating to inmate deaths or assaults or injuries. So 15 I -- I guess I'm familiar with the documents, familiar 16 with the process. I've been here 23 years and understand 17 the jail operations. 18 Q Do you understand the jail operations as they relate to 19 the video surveillance and the processes and policies of 20 retaining custody of video surveillance recordings back 21 in August of 2018? 22 A Yes, I believe so. 23 Q Just briefly, I don't need the full version, but 24 a nutshell version, of your employment history with 25 Spokane County Detention Services leading up to the</p>
<p style="text-align: right;">Page 11</p> <p>1 Department operate the video surveillance and recording 2 system that records activity inside the jail? 3 A Yes. 4 Q Could you please tell me about your current position with 5 Spokane County Detention Services and describe for me 6 your duties and responsibilities as they relate to the 7 Spokane County Jail? 8 A Currently I'm an administrative lieutenant, which 9 I oversee our administrative areas, a lot of the support 10 positions like the kitchen. I deal with discipline and 11 oversee the training and hiring departments. 12 Q And how long have you served in the position of 13 administrative lieutenant? 14 A Oh, about I think two years. I think two years -- in 15 October it will be two years. 16 Q What was your position as of August 25th, 2018, with the 17 Spokane County Detention Services? 18 A At that time we had two lieutenants in -- within 19 detention services: One at Geiger; one downtown. I was 20 the only lieutenant downtown. 21 Q Meaning of the only lieutenant at the Spokane County 22 Jail? 23 A Correct. 24 Q And so what were your duties and responsibilities as 25 the only lieutenant at the Spokane County Jail as of</p>	<p style="text-align: right;">Page 13</p> <p>1 present time. 2 A I said twenty -- I think about 23 years in June. I 3 was a officer for around eight years; a sergeant for 4 about eight years, the years could be a little different; 5 a -- a sergeant with a number of different positions, 6 including those in charge of training and internal 7 investigations at different times; and then I've been 8 a lieutenant for the last four years. I believe four 9 years in November. And, like I -- like I said, I've done 10 both custody operations as well as administrative 11 operations as a lieutenant. 12 Q Where are you in the chain of command? Who is above you 13 in the chain of command at Spokane County Detention 14 Services? 15 A It's changed over my career. It's -- different times 16 we've had a assistant director as well. This time 17 there's four lieutenants and we just have a director. 18 There's only a director in -- on top of me or in front of 19 me. So... 20 Q And so currently the only person who is above you in the 21 chain of command is the director of Spokane County 22 Detention Services? 23 A Correct. 24 Q And would that be Mike Sparber? 25 A It is. That's correct.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q And back in August of 2018 was it also the case that</p> <p>2 there was only one person above you in the chain of</p> <p>3 command?</p> <p>4 A Oh, I did -- I'm -- I'm trying to think at this time when</p> <p>5 he -- when promoted. Might've been assistant director at</p> <p>6 that time and a director. I don't -- I don't exactly</p> <p>7 know. I -- I mean, I'm sure I could find out, but I</p> <p>8 don't know right -- right offhand. I think at that time</p> <p>9 there was a assistant director between us.</p> <p>10 Q Okay. So whether or not there was an assistant director</p> <p>11 or not, the only people who might have been above you in</p> <p>12 the chain of command back in August of 2018 would've been</p> <p>13 the director of Spokane County Detention Services and</p> <p>14 maybe an assistant director?</p> <p>15 A Correct.</p> <p>16 Q All the other people who work at Spokane County</p> <p>17 Detention Services -- the sergeants, the corrections</p> <p>18 officers, the other people who are employed to work at</p> <p>19 the Spokane County Jail -- whether or not they're in your</p> <p>20 direct line, are they all below you in terms of the chain</p> <p>21 of command?</p> <p>22 A That'd be accurate.</p> <p>23 Q Roughly how many total employees at Spokane County</p> <p>24 Detention Services?</p> <p>25 A Within all of Detention Services, both facilities, the</p>	<p style="text-align: right;">Page 16</p> <p>1 County Jail?</p> <p>2 A They did. We do.</p> <p>3 Q Were those video cameras positioned in such a way show --</p> <p>4 so as to show the interior of the jail from a variety of</p> <p>5 angles and positions?</p> <p>6 A Yes.</p> <p>7 Q And the video cameras' position within the interior of</p> <p>8 the jail showed, among other things: common areas,</p> <p>9 hallways, and passageways, receiving areas, and a variety</p> <p>10 of other portions of the jail.</p> <p>11 Is that correct?</p> <p>12 A That's accurate.</p> <p>13 Q As of August 25th, 2018, did the video system at the</p> <p>14 Spokane County Jail produce a live feed so the jail</p> <p>15 workers could see various parts of the jail from -- from</p> <p>16 one or more remote locations on a monitor screen or set</p> <p>17 of screens?</p> <p>18 A Yes.</p> <p>19 Q Could you just tell me about how that system worked in</p> <p>20 terms of the live feed?</p> <p>21 A The live feed? We have a control room that operates the</p> <p>22 elevators and most of the secure doors. They have feed</p> <p>23 for most of the cameras, most of the interior as well as</p> <p>24 some exterior cameras. Our sergeants' office has feeds</p> <p>25 to the cameras. A lot of us in command positions have</p>
<p style="text-align: right;">Page 15</p> <p>1 Geiger and the downtown jail, I believe it's around 310</p> <p>2 positions that are filled.</p> <p>3 Q And is there any way that you can just break that down</p> <p>4 for me roughly as between the Geiger facility and the</p> <p>5 Spokane County Jail?</p> <p>6 A I think it's around a third and two-thirds. It's --</p> <p>7 it's close. It's not exact. I think there's around 65</p> <p>8 corrections officers at Geiger and there's about 146</p> <p>9 downtown. Sergeants? There's about 6 sergeants -- 6 or</p> <p>10 8 sergeants at Geiger and I believe there's 14 downtown.</p> <p>11 So that -- roughly.</p> <p>12 Q And so when you say "downtown," do you mean the Spokane</p> <p>13 County Jail?</p> <p>14 A I do. I apologize. I keep -- I keep referring to</p> <p>15 downtown and Geiger, but the Spokane County Jail.</p> <p>16 Q No, that's fine.</p> <p>17 And so just for the record, other than Detention</p> <p>18 Services Director Mike Sparber, you are the highest</p> <p>19 ranking person at the Spokane County Detention Services</p> <p>20 on par with the only other lieutenant?</p> <p>21 A And now there's -- there's four total lieutenants. So</p> <p>22 I'm on par with the other three lieutenants.</p> <p>23 Q Okay. As of August 25th, 2018, which is the date that</p> <p>24 Cindy Hill died, did the Spokane County Jail have video</p> <p>25 cameras located and operating throughout the Spokane</p>	<p style="text-align: right;">Page 17</p> <p>1 access and have monitors in our offices have feed to the</p> <p>2 cameras. Maintenance. I think there's some other, but</p> <p>3 that -- does that answer your question?</p> <p>4 Q Yes.</p> <p>5 You've told me about the live feed.</p> <p>6 In addition to the live feed, as of August 25th,</p> <p>7 2018, did the video system at the Spokane County Jail</p> <p>8 routinely and regularly record and preserve, for at least</p> <p>9 some period of time, video footage that could later be</p> <p>10 retrieved and reviewed?</p> <p>11 A It does.</p> <p>12 Q And that was the case back in August of 2018?</p> <p>13 A It was.</p> <p>14 Q As of August 25th, 2018, could you please tell me about</p> <p>15 how the video system at the Spokane County Jail worked in</p> <p>16 terms of its recording and preservation of video footage</p> <p>17 for later review?</p> <p>18 A My understanding, it's -- it's a DVR-like system.</p> <p>19 It's actually called an NVR. It's a network video</p> <p>20 recorder and it's close to our control room. It's in</p> <p>21 a electronics room right outside the control room. It</p> <p>22 records a number of hard drives, not unlike a -- a DVR</p> <p>23 at home for recording TV where -- and then we can --</p> <p>24 because it's networked, I could go back into it from my</p> <p>25 terminal in my office or a different location. I could</p>

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<p style="text-align: right;">Page 18</p> <p>1 even access it from home on a -- on my work computer and</p> <p>2 then go review the -- the video footage from any of the</p> <p>3 recording cameras. So...</p> <p>4 Q Did all the cameras that recorded a live feed also have</p> <p>5 the ability to record and -- and preserve that video for</p> <p>6 later review?</p> <p>7 A All of the cameras are recorded, yes.</p> <p>8 Q And how were the recordings preserved for later retrieval</p> <p>9 and review? You -- you said there was -- there were hard</p> <p>10 drives?</p> <p>11 A Correct. My understanding, it's a raid array, so</p> <p>12 there's -- there's a redundancy. So if one went out,</p> <p>13 it's recorded on multiple hard drives. But it's on</p> <p>14 a 60-day cycle. My understanding, that's based on state</p> <p>15 retention laws on video. At Day 61 it starts recording</p> <p>16 over itself, each camera. And so we have 60 days' video</p> <p>17 to review at any one time for all the cameras.</p> <p>18 Q Okay. And so the system of recording would record to</p> <p>19 a hard drive.</p> <p>20 And was the hard drive or hard drives, to your</p> <p>21 understanding, located there at the jail as opposed to</p> <p>22 being off site?</p> <p>23 A They're at the jail in a electronics room right next to</p> <p>24 our control room, correct.</p> <p>25 Q Do you know if the recordings were also preserved on any</p>	<p style="text-align: right;">Page 20</p> <p>1 a recording?</p> <p>2 A I could view it. I -- I've actually never pulled up</p> <p>3 a recording. I've never burned a recording myself. I've</p> <p>4 always had somebody else do it for me such as our</p> <p>5 maintenance officers.</p> <p>6 Q All right. And so the maintenance officer's available</p> <p>7 to pull up recordings for review by higher level staff?</p> <p>8 If --</p> <p>9 A Correct.</p> <p>10 Q -- if that level staff requested that they do so?</p> <p>11 A Yeah. And that's typically how it went. I -- if I</p> <p>12 was looking for a recording for a certain incident,</p> <p>13 I'd -- I would give them a call, if they were here, or</p> <p>14 send an email and say, "Will you pull this video from</p> <p>15 these cameras for this period of time?"</p> <p>16 Q And, similarly, if -- if you wanted to do more than</p> <p>17 just view the video, but actually preserve the video</p> <p>18 for a permanent basis -- in other words, to permanently</p> <p>19 preserve the video -- did you or other people at the</p> <p>20 jail have the ability to -- to make that -- give that</p> <p>21 direction to the maintenance people who -- who work</p> <p>22 there?</p> <p>23 A We did. We still do.</p> <p>24 Q In terms of the way that video surveillance at the jail</p> <p>25 was recorded and in terms of how those recordings could</p>
<p style="text-align: right;">Page 19</p> <p>1 offsite server or location?</p> <p>2 A Not that I know of, no.</p> <p>3 Q Okay. Who were the people at the jail -- and for all of</p> <p>4 my questions I'm talking about the Spokane County Jail --</p> <p>5 who were the people at the jail who had the ability to</p> <p>6 pull up those recordings for later review?</p> <p>7 A Typically our maintenance department, the sergeant in</p> <p>8 charge of maintenance. I don't know if you wanna know</p> <p>9 names or positions or I can --</p> <p>10 Q Positions.</p> <p>11 A Positions are maintenance sergeant/administrative</p> <p>12 sergeant. We had -- at that time there was four officers</p> <p>13 in maintenance. They typically pull up the video.</p> <p>14 And are we talking about pulling a recording or just</p> <p>15 viewing the video? I'm sorry, can you clarify?</p> <p>16 Q Both. Both viewing and pulling up the recording and</p> <p>17 preserving it for a more permanent basis rather than just</p> <p>18 that 60-day period.</p> <p>19 A Okay. For -- for pulling it to record first, the</p> <p>20 administrative -- or sergeant, the four maintenance</p> <p>21 officers, our -- she's a administrative manager that's</p> <p>22 in -- also in charge of public disclosure, and her</p> <p>23 assistant at the time. Those are the ones that would</p> <p>24 pull recordings at the time in -- in 2018.</p> <p>25 Q Back in 2018 did you have the ability to pull up</p>	<p style="text-align: right;">Page 21</p> <p>1 be pulled up and reviewed after an incident, was there</p> <p>2 any difference in -- among the cameras or camera angles</p> <p>3 or was it all the same?</p> <p>4 A Could you rephrase it? Could you repeat that question</p> <p>5 one more time?</p> <p>6 Q Sure.</p> <p>7 Was there any difference in the cameras or the</p> <p>8 camera angles in terms of the way the recording process</p> <p>9 worked or in terms of how those recordings could be</p> <p>10 pulled up and reviewed after an incident or were they all</p> <p>11 basically part of the same system?</p> <p>12 A I believe they're all part of the same system. We do</p> <p>13 have a few, they're called 360-degree cameras, and they</p> <p>14 record, like just as it says, a 360-degree view. After</p> <p>15 you've pulled the recordings, you can manipulate the</p> <p>16 image in a 360-degree way. I -- I don't know if that</p> <p>17 answers your question. There's just a few of those</p> <p>18 cameras.</p> <p>19 Q Okay. But your understanding is that for the -- for</p> <p>20 the vast majority of the cameras, they were all subject</p> <p>21 to the same procedures in terms of how they would be</p> <p>22 recorded and how those recordings would be preserved and</p> <p>23 how those recordings could be later retrieved?</p> <p>24 A Yes, I think so. I -- I believe so.</p> <p>25 Q Okay. And in terms of the recording system as of</p>

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1 August 25th, 2018, there was, as I understand it,
2 a standard or set time for how long recordings would be
3 preserved as part of the usual and routine operation of
4 the jail.
5 Is that correct?
6 **A Correct.**
7 Q And my understanding from your earlier testimony is that
8 those recordings would be automatically preserved as part
9 of the routine operation of the jail for a period of
10 60 days.
11 Is that correct?
12 **A Correct.**
13 Q And after 60 days, beginning on the 61st day, they would
14 begin to write over.
15 Is that right?
16 **A Yes.**
17 Q And so beginning on the 61st day, the period of time --
18 well, I'm gonna get myself mixed up -- there would be
19 a block of time, a 60-day period of time where all
20 recordings at the jail would be preserved as a matter of
21 routine.
22 Is that right?
23 **A Yes, I -- I believe that's accurate. It's -- any one**
24 **time we can review the last 60 days.**
25 Q And what is your explanation as to why that 60-day period

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1 was chosen and not some other period of time?
2 **A It was my understanding that was state retention law on**
3 **video -- on video recordings within detention facilities.**
4 **I -- I looked for it, actually, yesterday in our policy**
5 **manual. I didn't see it found in -- or in our current**
6 **policies manual. I believe it was based on state law.**
7 Q So as of August 25th, 2018, just for the record, all
8 video at the jail was preserved for a 60-day period of
9 time without any extra or additional effort being needed
10 to ensure the video preservation during that period of
11 time, correct?
12 **A Yes.**
13 Q Okay. Suppose there -- and all of my questions are
14 gonna relate to August of 2018. If I -- even if I don't
15 specifically preface my question that way, if you're ever
16 confused about what I'm talking about, let me know.
17 Okay?
18 **A Okay.**
19 Q Suppose there was an incident or an event of some kind
20 at the Spokane County Jail and the jail wanted to make
21 sure that video surrounding the incident was permanently
22 preserved and not deleted or overwritten or otherwise
23 destroyed after 60 days.
24 What was the procedure for ensuring that video
25 could be permanently preserved so that the video could be

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1 reviewed one or two or three years later? Could you walk
2 me through that process?
3 **A Sure. Whoever was requesting it would get ahold of**
4 **either one of the maintenance officers, the**
5 **administrative sergeant, or the person in charge of**
6 **public records and ask them to record -- or to pull**
7 **a copy of the video. They'd burn it onto a DVD. And**
8 **they'd request time period, location. Like a lot of**
9 **times I would specify exactly what cameras I wanted.**
10 **Sometimes -- it depends on who was requesting. Some**
11 **people would say, "I just want the floor 2 West."**
12 **Sometimes I would exactly "Camera 23, Camera 27, and**
13 **Camera 29." They'd record a period and put it on a DVD**
14 **and typically bring it to me within a day or so.**
15 Q And once that DVD had been burned so that the video was
16 then permanently preserved, where would the DVD be kept,
17 if you know.
18 **A Yeah, it depends on what it was used -- a binder in**
19 **our IA, or Internal Affairs, office. If it -- maybe**
20 **a use-of-force, if it was related to maybe an inmate**
21 **death, start building a binder right away. If we've had**
22 **inmate -- in-custody deaths, we start building a binder**
23 **of all pertinent documents, reports -- reports, and**
24 **medical files, and things like that. And I'd put it in**
25 **a sleeve inside that binder.**

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1 Q And so the people who worked in maintenance were
2 trained about which buttons to push and how to go about
3 permanently preserving any portions of the video that
4 Spokane County Detention Services deemed important to
5 permanently preserve?
6 **A Yes.**
7 Q Under what circumstances would Spokane County Detention
8 Services decide to ensure the permanent preservation of
9 jail surveillance recordings?
10 **A Well, some of the ones I -- I mentioned: You know,**
11 **maybe a significant use of force, an injury to either**
12 **an inmate or a staff member, an -- an in-custody death,**
13 **serious assaults, gang fights. Those are some examples.**
14 **It -- it's probably not all inclusive, but those are**
15 **examples.**
16 Q Do you know if there was any written policy on the types
17 of events that would qualify for permanent preservation?
18 **A I believe so and I don't know if it gives examples --**
19 **I've -- I've read the policy -- or if just significant**
20 **events. And I -- I don't know exactly know the wording**
21 **of the policy, but, yeah, there is policy to retain video**
22 **on significant events.**
23 Q And inmate deaths would definitely qualify as significant
24 events?
25 **A I'd say that's the most significant event we've had,**

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<p style="text-align: right;">Page 26</p> <p>1 yeah. Yes.</p> <p>2 Q Was there any type of policy about recording surrounding</p> <p>3 footage? For example, if there was a critical event, was</p> <p>4 there any type of policy about not just recording -- not</p> <p>5 just permanently preserving footage of the event itself,</p> <p>6 but also footage of the area in question before and after</p> <p>7 the event or for a certain period of time before or after</p> <p>8 the event?</p> <p>9 A First, I'm not -- that -- I'm not familiar with the --</p> <p>10 that -- to that level. I don't -- not that I remember.</p> <p>11 It could be there, but I -- I'd have to look at the</p> <p>12 policy for that time to make sure. I don't believe it</p> <p>13 specifies surrounding time periods of events.</p> <p>14 Q When it came to the death of an inmate, someone who was</p> <p>15 found dead in the jail or who was found unresponsive in</p> <p>16 the jail and later pronounced dead after they were</p> <p>17 removed from the jail, how was it decided what portions</p> <p>18 of video to preserve as opposed to what portions of the</p> <p>19 video to allow to be destroyed?</p> <p>20 A I -- I think it -- a number -- some judgment on the</p> <p>21 detectives involved. There's major crime detectives</p> <p>22 whenever we have an in-custody death. If a person</p> <p>23 passed away at the hospital, sometimes that doesn't</p> <p>24 happen because it's not investigated at the jail. It</p> <p>25 happens a day or two or three later.</p>	<p style="text-align: right;">Page 28</p> <p>1 death?</p> <p>2 A After the fact we did. We -- we consider it an</p> <p>3 in-custody death now, yes.</p> <p>4 Q At the time shortly following August 25th when Cindy Hill</p> <p>5 was found to be unresponsive in her cell and then taken</p> <p>6 to the hospital and pronounced dead, did the Spokane</p> <p>7 County Detention Services consider her death to be an</p> <p>8 in-custody death?</p> <p>9 A I -- I believe so.</p> <p>10 Q I'm gonna be showing you another exhibit now.</p> <p>11 (Exhibit No. 2 marked for</p> <p>12 identification.)</p> <p>13 Q (By Mr. Budge) Are you able to see Exhibit 2 on my</p> <p>14 screen?</p> <p>15 A I am, yep.</p> <p>16 Q Okay.</p> <p>17 A Yes.</p> <p>18 Q All right. And I'm gonna just go ahead and, again, give</p> <p>19 you the ability to control that yourself.</p> <p>20 A Okay.</p> <p>21 Q And let -- just kinda scroll through that and let me know</p> <p>22 when you're done.</p> <p>23 A Sure.</p> <p>24 Okay. I -- I've read the document.</p> <p>25 Q Okay. Do you recognize that as being the Field Case</p>
<p style="text-align: right;">Page 27</p> <p>1 For a in-custody death that happens within the</p> <p>2 facility, detectives -- one or more major crime</p> <p>3 detectives -- and typically the ones that I've been</p> <p>4 involved in, they're telling me exactly -- had -- like</p> <p>5 that -- they're pointing, "I'd like that camera from this</p> <p>6 period of time. Can you give me five hours or four hours</p> <p>7 or twelve? Can you give me the time that precedes this?"</p> <p>8 And then they're -- and they're asking for those kind of</p> <p>9 things. Also, either a lieutenant or a sergeant that's</p> <p>10 involved, if they think it's pertinent, relevant video,</p> <p>11 they'd -- they'd ask for it. But -- so I'd say it could</p> <p>12 come from both.</p> <p>13 Q Who are the people at the Spokane County Jail, following</p> <p>14 the death of an inmate, who would make the decision about</p> <p>15 what portions to preserve and what portions to allow to</p> <p>16 be destroyed?</p> <p>17 A I'd say -- like I said, it could be a responding</p> <p>18 detective. It could be a -- a lieutenant or the</p> <p>19 director, whoever responded to the incident as well.</p> <p>20 And it could be the sergeants that were on duty at the</p> <p>21 incident.</p> <p>22 Q And when you say lieutenant or director, that would</p> <p>23 include yourself and Director Sparber?</p> <p>24 A It could, yes.</p> <p>25 Q Was Cindy Hill's death considered to be an in-custody</p>	<p style="text-align: right;">Page 29</p> <p>1 Report from the Spokane County Sheriff's Office authored</p> <p>2 by the reporting officer, Urrutia-Soto?</p> <p>3 A I do.</p> <p>4 Q Turning to the third page, which I will scroll down to,</p> <p>5 I want to draw your attention to the information at the</p> <p>6 top of the page where it says:</p> <p>7 "On 8/25/2018 at approximately 1817 hours" --</p> <p>8 that's 6:17 p.m. -- "I, Deputy Urrutia" -- and then it</p> <p>9 gives his number -- "and Deputy Richmond were in a</p> <p>10 marked patrol unit B503 patrolling in the city of</p> <p>11 Spokane Valley, Washington. We were dispatched to</p> <p>12 11 West Mallon Avenue (Spokane County Jail), in Spokane,</p> <p>13 Washington, to a dead on arrival. The complainant was</p> <p>14 Jail Sergeant Justin White. Sergeant White said there</p> <p>15 was an in-custody death at that location. The deceased</p> <p>16 was Cindy L. Hill" -- and then it gives her date of</p> <p>17 birth.</p> <p>18 And then it says:</p> <p>19 "The jail lieutenant was requesting Major Crimes</p> <p>20 Detectives to investigate."</p> <p>21 Let me just ask you: This Spokane County sheriff's</p> <p>22 office report says that the jail lieutenant was</p> <p>23 requesting major crimes detectives to investigate.</p> <p>24 Do you know, were you the jail lieutenant that was</p> <p>25 being referenced by Detective Urrutia in this report?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A At that time it would've had to be. I was the only</p> <p>2 jail -- jail downtown lieutenant at the time. There was</p> <p>3 only one other lieutenant. He was assigned to Geiger.</p> <p>4 Q Okay. And do you see that it says:</p> <p>5 "Prior to arriving, Sergeant White updated</p> <p>6 communications and said Cindy passed away at Sacred Heart</p> <p>7 Medical Center (SHMC) at approximately 1831 hours. While</p> <p>8 in route, I was told Major Crimes Detectives were going</p> <p>9 to investigate Cindy's death at SHMC. I was told to</p> <p>10 conduct my investigation at the Jail."</p> <p>11 Is it fair to say that on the evening of</p> <p>12 Cindy Hill's death that you, as a lieutenant at the jail,</p> <p>13 were requesting an investigation by the Spokane County</p> <p>14 Sheriff's Office?</p> <p>15 A Yeah, correct. That's our standard -- that's our policy</p> <p>16 of any in-custody death.</p> <p>17 Q That's standard operating procedure?</p> <p>18 A It is.</p> <p>19 Q And then Officer Urrutia's report continues to describe</p> <p>20 his process of gathering witness statements upon his</p> <p>21 arrival at the Spokane County Jail. It says more about</p> <p>22 what he did upon arrival. Could you just read with me?</p> <p>23 "Upon arrival I started to gather the witnesses'</p> <p>24 statements. I spoke with Sergeant Justin White who said</p> <p>25 the following:</p>	<p style="text-align: right;">Page 32</p> <p>1 Q And would you agree with me that Spokane County Detention</p> <p>2 Services knew that it had an in-custody death on its</p> <p>3 hands, namely the death of Cindy Hill, by at least the</p> <p>4 early evening of August 25th, 2018?</p> <p>5 A Yes.</p> <p>6 Q Will you agree with me that, as of the time Spokane</p> <p>7 County Detention Services knew that it had an in-custody</p> <p>8 death on its hands, that all jail surveillance video from</p> <p>9 August 25th, 2018, from all times during that day,</p> <p>10 midnight through the entire balance of the day, still</p> <p>11 existed and was still capable of permanent preservation?</p> <p>12 A Yes.</p> <p>13 Q Will you agree with me that, as of the time Spokane</p> <p>14 County Detention Services knew that it had an in-custody</p> <p>15 death on its hands, that all jail surveillance video from</p> <p>16 August 25th, 2018, from all times would, according to</p> <p>17 normal policy, still exist and be capable of permanent</p> <p>18 preservation all the way up from -- till at least 60 days</p> <p>19 following her death?</p> <p>20 A I agree.</p> <p>21 Q And will you agree with me that from the moment that</p> <p>22 Spokane County Detention Services knew that it had an</p> <p>23 in-custody death on its hands involving Cindy Hill that</p> <p>24 it had at least 60 days to choose what portions of the</p> <p>25 video to permanently preserve and, conversely, what video</p>
<p style="text-align: right;">Page 31</p> <p>1 "He heard the first medical assistance call at</p> <p>2 approximately 1725 hours. He called for medical</p> <p>3 assistance at Cell 2 West 27, as Cindy was unresponsive.</p> <p>4 Cindy was not breathing and CPR/AED, automated external</p> <p>5 defibrillator, were begun. CPR was done until</p> <p>6 Fire Engine 3 from Spokane arrived. AMR Unit 121</p> <p>7 arrived shortly after fire."</p> <p>8 Do you see that?</p> <p>9 A I do.</p> <p>10 Q Okay. And then it goes on so say that:</p> <p>11 "Cindy was pronounced deceased at 1800 hours."</p> <p>12 Do you see that?</p> <p>13 A I do.</p> <p>14 Q And so I believe you earlier agreed with me that</p> <p>15 Cindy Hill's death was considered by Spokane County</p> <p>16 Detention Services to be an in-custody death.</p> <p>17 Do -- do you still agree with me about that?</p> <p>18 A I do. The reports -- the reports mention it's an</p> <p>19 in-custody death and also mention that she passed away at</p> <p>20 the hospital. But it -- it does say in-custody death in</p> <p>21 the report. So...</p> <p>22 Q And do you agree with me that Cindy Hill was found by</p> <p>23 jail staff to be unresponsive in Cell 2 West 27 at or</p> <p>24 around 5:25 p.m. on August 25th, 2018?</p> <p>25 A I agree.</p>	<p style="text-align: right;">Page 33</p> <p>1 to destroy or allow to be destroyed?</p> <p>2 A I agree.</p> <p>3 Q Can you describe for me how and when you learned of the</p> <p>4 death of Cindy Hill?</p> <p>5 A I believe the day -- on the night of the 25th, probably</p> <p>6 around 18 -- 1800 or something like that or 18 -- 1800,</p> <p>7 1830 at night.</p> <p>8 Q Were you involved in the decision to determine what</p> <p>9 portions of video to permanently preserve?</p> <p>10 A Not that I recall. I don't remember -- I don't recall</p> <p>11 specifying what video. I believe the detectives would</p> <p>12 have specified.</p> <p>13 Q Who was the person or persons at the Spokane County Jail</p> <p>14 who decided, for whatever reason, what portions of the</p> <p>15 video to preserve and what portions of the video to allow</p> <p>16 to be destroyed?</p> <p>17 A I believe, and this is not as much personal memory from</p> <p>18 this incident as -- as dealing with a number of different</p> <p>19 incidents, is when -- the detectives and the major</p> <p>20 crime -- I think there's a sergeant from major crimes,</p> <p>21 they're specifying they wanted what time period from what</p> <p>22 cameras.</p> <p>23 Q But that's for purposes of their investigation, correct?</p> <p>24 A Correct.</p> <p>25 Q And the Spokane County Sheriff's Office is different from</p>

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<p style="text-align: right;">Page 34</p> <p>1 Spokane County Detention Services, correct?</p> <p>2 A It is. But they -- they're in charge of conducting the</p> <p>3 investigation for in-custody deaths.</p> <p>4 Q Are they in charge of conducting internal investigations</p> <p>5 at the jail?</p> <p>6 A We wait until after they've conducted their investigation</p> <p>7 and then review their documents. Typically use their</p> <p>8 documents, which includes everything we would've had</p> <p>9 available to us for our own -- own review.</p> <p>10 Q Are -- who was the liaison between the Spokane County</p> <p>11 Sheriff's Office and the Spokane County Jail in terms of</p> <p>12 choosing which portions of the video to permanently</p> <p>13 preserve? In other words, if somebody at the Spokane</p> <p>14 County Sheriff's Office had given a direction to Spokane</p> <p>15 County Detention Services to preserve certain portions,</p> <p>16 who would that direction have been given to?</p> <p>17 A I'd say probably the lieutenant or the sergeant that was</p> <p>18 on duty at the time.</p> <p>19 Q Not you, but somebody else?</p> <p>20 A It -- it could've been me. Like I said, sergeant or</p> <p>21 lieutenant. It could've been me. I would think the</p> <p>22 sergeant involved as well.</p> <p>23 Q When the Spokane County Sheriff's Office is investigating</p> <p>24 an in-custody death, what is the Spokane County Sheriff's</p> <p>25 Office investigating for?</p>	<p style="text-align: right;">Page 36</p> <p>1 video that'll help them determine maybe the cause of</p> <p>2 death or any suspicious circumstances. I don't believe</p> <p>3 their portion is related to public disclosure, but I'm --</p> <p>4 their -- their -- their investigation, after it's</p> <p>5 complete, is also open to public disclosure as well.</p> <p>6 So I don't -- I don't know if I answered your</p> <p>7 question very well.</p> <p>8 Q What about civil litigation? Does the Spokane County</p> <p>9 Sheriff's Office have responsibility for directing</p> <p>10 Spokane County Detention Services about what portions of</p> <p>11 video to preserve following an in-custody death for</p> <p>12 purposes of potential civil litigation?</p> <p>13 A I don't think that's their concern when they're directing</p> <p>14 us to record video. I don't --</p> <p>15 Q Okay.</p> <p>16 A -- think that's the sheriff's -- the detective on scene's</p> <p>17 concern at the time.</p> <p>18 Q So in terms of potential civil litigation, whose</p> <p>19 responsibility is it at Spokane County Detention Services</p> <p>20 to determine what portions of video to preserve for</p> <p>21 purposes of potential civil litigation?</p> <p>22 A I would say the sergeant or lieutenant that's on duty.</p> <p>23 But that being said, the -- the -- the -- the sheriff --</p> <p>24 the sergeant or the lieutenant on duty.</p> <p>25 I guess that answers the question.</p>
<p style="text-align: right;">Page 35</p> <p>1 MR. JUSTICE: Object to the form.</p> <p>2 Answer if you -- you --</p> <p>3 THE WITNESS: Yeah.</p> <p>4 MS. EHLERT: -- can answer.</p> <p>5 THE WITNESS: I guess maybe rephrase</p> <p>6 that question. What're they looking for? What -- what</p> <p>7 part are they investigating? I'm not -- I'm not sure of</p> <p>8 the question.</p> <p>9 Q (By Mr. Budge) When the Spokane County Sheriff's Office</p> <p>10 is investigating an in-custody death at the jail, are</p> <p>11 they looking to see if there was a crime committed?</p> <p>12 A I believe that's one of the things. If the -- if there</p> <p>13 was more than one inmate in a cell. Is there any</p> <p>14 suspicious circumstances? Could it've been an assault or</p> <p>15 something else? You know, was it a suicide? Was it</p> <p>16 natural cause? Was it -- so those type of things that</p> <p>17 they're investigating.</p> <p>18 Q Does the Spokane County Sheriff's Office have the</p> <p>19 responsibility of directing the Spokane County Detention</p> <p>20 Services Department with regard to what portions of</p> <p>21 video, following an in-custody death, should be preserved</p> <p>22 for purposes of public records requests?</p> <p>23 A I don't believe -- the Sheriff's Office, their stance on</p> <p>24 it isn't related to public records. They're looking to</p> <p>25 investigate this -- they're -- they're looking for all</p>	<p style="text-align: right;">Page 37</p> <p>1 Q Meaning it's the responsibility of the sergeant or</p> <p>2 lieutenant at Spokane County Detention Services to</p> <p>3 determine what portions of video to preserve for purposes</p> <p>4 of potential civil litigation?</p> <p>5 A Yes. Or it could be the director as well. It could be</p> <p>6 the director. Whoever was on the scene.</p> <p>7 Q Okay. Regardless of whether it's the director of Spokane</p> <p>8 County Detention Services or a sergeant or a lieutenant</p> <p>9 working for the Spokane County Detention Services, will</p> <p>10 you agree with me that, for purposes of civil litigation,</p> <p>11 it's the responsibility of Spokane County Detention</p> <p>12 Services to determine what portions to preserve for</p> <p>13 purposes of potential civil litigation?</p> <p>14 A Yes.</p> <p>15 Q Okay. Can you describe for me how and when you learned</p> <p>16 of the death of Cindy Hill?</p> <p>17 MR. JUSTICE: Objection. Asked and</p> <p>18 answered, but you can answer again.</p> <p>19 THE WITNESS: I -- I -- like I said,</p> <p>20 I believe, and this is more from reviewing the reports</p> <p>21 than actually my memory of this -- of this incident three</p> <p>22 years ago, is from a phone call from the sergeant. And</p> <p>23 I -- I responded somewhere down at the jail probably</p> <p>24 a little after 1800.</p> <p>25 Q (By Mr. Budge) Meaning that you actually physically went</p>

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<p style="text-align: right;">Page 38</p> <p>1 to the jail if you were not already there?</p> <p>2 A Correct.</p> <p>3 Q And -- and do you know who the sergeant was who first</p> <p>4 advised you of Cindy Hill's death?</p> <p>5 A I believe that it was Sergeant White.</p> <p>6 Q And what were your duties and responsibilities with</p> <p>7 regard to Miss Hill's death when you learned of her</p> <p>8 death? Could you take me through what the steps that you</p> <p>9 went through --</p> <p>10 A I didn't --</p> <p>11 Q -- in --</p> <p>12 A -- I don't recall what steps I went through at that time.</p> <p>13 I can tell you what I would typically go through.</p> <p>14 Q Sure. Go ahead and tell me what you would typically go</p> <p>15 through.</p> <p>16 A Typically I respond, check on condition of my officers;</p> <p>17 check on conditions of the sergeant; making sure</p> <p>18 everybody's okay there, physically and mentally okay;</p> <p>19 and then try to coordinate and make sure we have</p> <p>20 detectives on scene, typically they're there before</p> <p>21 I even get there; see if the person's heading to the</p> <p>22 hospital, like it sounds like Miss Hill did, and then</p> <p>23 either coordinate with one of the sergeants or not; we</p> <p>24 have a transport team go to the hospital as well,</p> <p>25 sometimes the sergeant along with them, to determine the</p>	<p style="text-align: right;">Page 40</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And, number three, inform risk management?</p> <p>4 A Correct.</p> <p>5 Q And, number four, begin the process of -- of gathering</p> <p>6 and preserving materials relating to the confinement of</p> <p>7 the deceased individual?</p> <p>8 A Yes.</p> <p>9 Q Okay. And you would have, in that process, begun to</p> <p>10 educate yourself about the facts and circumstances</p> <p>11 surrounding her death to the extent that that information</p> <p>12 was available to you?</p> <p>13 A Yeah, begin. Or maybe the next day. Maybe the next</p> <p>14 workday I'd start. But I'd start pulling the things and</p> <p>15 then start reading the documents, reading the files, the</p> <p>16 next -- within the next workday or something like that.</p> <p>17 Q All right. And do -- do you think that you would've done</p> <p>18 those things in reaction to Cindy Hill's death beginning</p> <p>19 if not on the evening of her death, then at least by the</p> <p>20 next day?</p> <p>21 A Yeah. I think the -- as I recall I think it was maybe</p> <p>22 a weekend. I'm not exactly sure. I'm thinking -- I'm</p> <p>23 thinking it was a Saturday, but I could be wrong. Maybe</p> <p>24 the following Monday.</p> <p>25 Q But certainly within 60 days?</p>
<p style="text-align: right;">Page 39</p> <p>1 condition of the patient; and then somebody down here</p> <p>2 coordinating the efforts; getting like a critical</p> <p>3 incident team -- a critical incident citizen team down to</p> <p>4 deal with the stress and the emotional impact to our</p> <p>5 officers; getting ahold of risk management to get</p> <p>6 somebody over; start pulling the documents such as the</p> <p>7 reports and the medical file, I don't know if that's</p> <p>8 all-inclusive, but that kind of thing; and just making</p> <p>9 sure everything down here -- that the officers are</p> <p>10 available for the detectives to interview, that -- that</p> <p>11 kind of thing. Kinda just overseeing the operation.</p> <p>12 Q And do you think that it's likely that in the case of</p> <p>13 Cindy Lou Hill's death that you would have been the</p> <p>14 person who would've done those ordinary and usual things?</p> <p>15 A I think --</p> <p>16 Q Uh --</p> <p>17 A -- I'm sorry.</p> <p>18 Yeah, I think it's likely.</p> <p>19 Q Okay. And so your normal procedure which you would have</p> <p>20 followed beginning on the evening of Cindy Hill's death</p> <p>21 would be to, number one, make yourself presently --</p> <p>22 physically present at the jail if you weren't already</p> <p>23 there, correct?</p> <p>24 A Correct.</p> <p>25 Q And, number two, to coordinate a response from staff,</p>	<p style="text-align: right;">Page 41</p> <p>1 A Yes, within 60 days.</p> <p>2 Q Okay. And -- and probably within just a day or two?</p> <p>3 A Probably within a day or two.</p> <p>4 MR. JUSTICE: Ed, do you think you</p> <p>5 could look for kind of a break point here in the next few</p> <p>6 minutes so we could take a quick break?</p> <p>7 MR. BUDGE: Yeah, absolutely.</p> <p>8 Q (By Mr. Budge) Let me just ask you real quick before we</p> <p>9 take that break: Is it your usual process to inform</p> <p>10 Spokane County Risk Management following the death of an</p> <p>11 inmate at the jail?</p> <p>12 A That's our standard, correct.</p> <p>13 Q Why do you do that as part of your standard procedure?</p> <p>14 A It's maybe a high -- a high-liability situation, and --</p> <p>15 and we inform of a number of high-risk events. You know,</p> <p>16 if a car wreck or a officer injury as well.</p> <p>17 Q Does the Spokane County Detention Services Department</p> <p>18 anticipate the -- the possibility of -- of litigation</p> <p>19 following the death of an inmate? Is that one reason it</p> <p>20 informs risk management right away?</p> <p>21 A That'd be one of them.</p> <p>22 MR. BUDGE: Okay. All right. Let's</p> <p>23 go ahead and take that break.</p> <p>24 THE VIDEOGRAPHER: Please stand by.</p> <p>25 We're going off the record. The time is 10:57 a.m.</p>

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<p style="text-align: right;">Page 42</p> <p>1 (Recess taken.)</p> <p>2 THE VIDEOGRAPHER: We are back on the</p> <p>3 record. The time is 11:11 a.m.</p> <p>4 Q (By Mr. Budge) Lieutenant Hooper, are you ready to</p> <p>5 continue?</p> <p>6 A I'm ready.</p> <p>7 Q Okay. Lieutenant Hooper, the Spokane County Sheriff's</p> <p>8 Office is a different department from the Spokane County</p> <p>9 Detention Services Department; is that correct?</p> <p>10 A Correct.</p> <p>11 Q And the Spokane County Sheriff's Office does not operate</p> <p>12 or control the Spokane County Jail; is that correct?</p> <p>13 A Correct.</p> <p>14 Q And the Spokane County Sheriff's Office does not operate</p> <p>15 or control the Spokane County Jail's video surveillance</p> <p>16 system, correct?</p> <p>17 A Correct.</p> <p>18 Q Spokane County Risk Management is yet a different</p> <p>19 department from the Spokane County Detention Services</p> <p>20 Department; is that correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. What do you understand to be the role of Spokane</p> <p>23 County Risk Management?</p> <p>24 A I -- my understanding is just in the name. They oversee</p> <p>25 Labor & Industry claims, other things that happen in the</p>	<p style="text-align: right;">Page 44</p> <p>1 A I imagine.</p> <p>2 Q Who else would you have made it a point to inform about</p> <p>3 Cindy Hill's in-custody death?</p> <p>4 A Okay. I mentioned risk management. I mentioned the</p> <p>5 director, the other lieutenant at the time. Those are</p> <p>6 the ones that come to mind. I can't think of anybody</p> <p>7 else.</p> <p>8 Q What would you have done following your being informed of</p> <p>9 Cindy Hill's death in order to preserve evidence relating</p> <p>10 to her confinement and death?</p> <p>11 A Like I said, myself or the on-duty sergeant would've</p> <p>12 asked maintenance or our records officer to burn DVDs of</p> <p>13 given video footage from the time period and the</p> <p>14 location.</p> <p>15 Q What about preserving written materials or computer</p> <p>16 records relating to Miss Hill's confinement? What steps</p> <p>17 would've been taken by Spokane County Detention Services</p> <p>18 in order to preserve written materials such as documents?</p> <p>19 A Well --</p> <p>20 MR. JUSTICE: I'm just -- I'm just</p> <p>21 gonna object that this is outside the scope of the</p> <p>22 30(b)(6) deposition topics. The -- the witness can</p> <p>23 answer, but I just wanna make that objection for the</p> <p>24 record. Go ahead.</p> <p>25 THE WITNESS: Actually, I might have</p>
<p style="text-align: right;">Page 43</p> <p>1 operation of duties. Car wrecks. They -- I believe the</p> <p>2 county is self-insured. So when different events happen</p> <p>3 in the community, a car wreck comes to mind or destroying</p> <p>4 somebody's property or lost property or something like</p> <p>5 that, they oversee all those type of processes.</p> <p>6 Q Do you understand Spokane County Risk Management to</p> <p>7 oversee issues relating to civil litigation for various</p> <p>8 Spokane County departments, including Spokane County</p> <p>9 Detention Services?</p> <p>10 A Yes.</p> <p>11 Q Following the death of Cindy Lou Hill and your being</p> <p>12 informed of her death, would you have probably gone to</p> <p>13 Cell 2 West 27?</p> <p>14 A I would've. I would've probably been to that area, yeah,</p> <p>15 the area, and probably looked in the cell.</p> <p>16 Q Okay. Would you have informed Director Sparber of</p> <p>17 Miss Hill's in-custody death?</p> <p>18 A Yes.</p> <p>19 Q When do you believe you probably would've informed</p> <p>20 Director Sparber?</p> <p>21 A He probably knew the same time I did. So he was in --</p> <p>22 probably knew somebody was serious medical duress, went</p> <p>23 out to the hospital. Probably knew about it the same</p> <p>24 time I did, from the sergeant.</p> <p>25 Q Probably that same night?</p>	<p style="text-align: right;">Page 45</p> <p>1 been -- there's no active steps necessary to retain</p> <p>2 those documents. The computer would retain them anyways.</p> <p>3 And I don't believe I -- I -- it's a lengthy retention</p> <p>4 period. It -- so I -- I don't think I'd have to take any</p> <p>5 active steps.</p> <p>6 Q (By Mr. Budge) As of the evening of August 25th, did</p> <p>7 you believe that Spokane County Detention Services was</p> <p>8 obligated to preserve evidence relating to the</p> <p>9 August 25th confinement of Cindy Hill in the Spokane</p> <p>10 County Jail?</p> <p>11 A I would've, yes. Like I said, I don't recall that, but</p> <p>12 I -- I would've in the course of my normal duties.</p> <p>13 Q Would it have been standard operating procedure following</p> <p>14 Miss Hill's death for Spokane County Detention Services</p> <p>15 to preserve evidence relating to her August 25th</p> <p>16 confinement?</p> <p>17 A Yes.</p> <p>18 Q Okay. All right. I'm gonna show you another document</p> <p>19 now. This is Exhibit 3 to your deposition.</p> <p>20 (Exhibit No. 3 marked for</p> <p>21 identification.)</p> <p>22 Q (By Mr. Budge) Are you able to see Exhibit 3 on your</p> <p>23 screen?</p> <p>24 A I am.</p> <p>25 Q Okay. This is a one-page document that at the top is</p>

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<p>Page 46</p> <p>1 titled "Medical Watch General Observation." 2 And let me ask you: Do you recognize Exhibit 3 to 3 be a document called medical watch form for Cindy Hill 4 from the date of her death, August 25th, 2018? 5 A I do. 6 Q And do you see at the top that it lists her name and it 7 has the date of August 25th and the time of 9:30 a.m.? 8 A I do. 9 Q And do you see that it identifies Hill, Cindy, as being 10 housed in Cell 2 West 27? 11 A I do. 12 Q And do you see that there are a series of 12 handwritten 13 entries from various corrections officers, handwritten 14 starting at 10:15 a.m., and concluding with the notation 15 "Was taken to hospital" at the bottom of the form? 16 A I do. 17 Q And now I'm gonna show you Exhibit 4 to your deposition. 18 (Exhibit No. 4 marked for 19 identification.) 20 Q (By Mr. Budge) Exhibit 4 to your deposition consists of 21 two photographs bearing production number 00794 and 22 00795. 23 Do you see those two photographs that are -- 24 A I do. 25 Q -- marked as Exhibit 4?</p>	<p>Page 48</p> <p>1 A Yes, I would've been aware of that. 2 Q And shortly after Cindy Hill died, would you have 3 become aware of this medical watch form bearing those 4 12 handwritten entries from your corrections staff 5 throughout the day on August 25th? 6 A Yeah, I would've received it the day of or -- or the 7 next workday, yes. 8 Q And at the time that you first became aware of the fact 9 that Miss Hill was housed in Cell 2 West 27 under 10 circumstances where she was supposed to be on 30-minute 11 medical watch by jail corrections staff, will you agree 12 with me that all the jail surveillance footage from 13 August 25th still existed and was capable of permanent 14 preservation? 15 A At that time, yes. 16 Q And would all of that video footage from Miss Hill's last 17 day still exist and be capable of permanent preservation 18 for at least an additional 60 days? 19 A Yes. 20 Q Will you agree with me that, as of the time you first 21 became aware of the fact that Cindy Hill was housed in 22 2 West 27 under circumstances where she was supposed to 23 be under 30-minute medical watch by the jail's 24 corrections staff, that there were at least 60 remaining 25 days for the jail to choose what video to permanently</p>
<p>Page 47</p> <p>1 A I do. 2 Q Do you recognize those photos as being the door to 3 Cell 2 West 27 where Cindy Hill was housed, upon which 4 was posted Cindy Hill's medical watch form with the 12 5 handwritten entries that we just went over? 6 A I do. 7 Q Is this form an official document of Spokane County 8 Detention Services? 9 A It is. 10 Q Shortly after Cindy Hill died, would you have become 11 aware that she was housed in Cell 2 West 27 on the date 12 of her death from the morning hours at or about 9:30 a.m. 13 until she was discovered unresponsive at or about 14 5:25 p.m.? 15 A I -- as -- if I would've been familiar with it? I -- 16 could you rephrase that question? I'm sorry. 17 Q Sure. That's fine. 18 Regardless of whether it was from this form or 19 from other materials or people that you spoke with, 20 would you have become aware, shortly after Cindy Hill's 21 death, that on the day of her death, from the morning 22 at or about 9:30 a.m. until she was eventually found 23 unresponsive in the early evening, that she had been 24 housed for the duration of her last day in 25 Cell 2 West 27?</p>	<p>Page 49</p> <p>1 preserve and, conversely, choose which video to destroy 2 or allow to be destroyed? 3 A Yes. 4 Q At the Spokane County Jail was there a video camera 5 pointed down the hallway that ran along the outside of 6 Cell 2 West 27? 7 A Yes. 8 Q And was that the case as of August 25th, 2018, that there 9 was a camera pointed down the hallway that ran outside of 10 2 West 27? 11 A Yeah. It's on the far end of the hall facing back -- 12 coming back towards 27. 13 Q Did that video camera that was pointed down that hallway 14 outside of Cindy Hill's cell, where she spent her last 15 day, make and record video footage of the activities in 16 the hallway? 17 A Yes. 18 Q And as with the other recorded jail surveillance 19 footage, was that particular video footage showing the 20 hallway outside of Cell 2 West 27 available for permanent 21 preservation for at least 60 days following Miss Hill's 22 death? 23 A Yes. 24 Q I'm now going to show you Exhibit 5 to your deposition. 25</p>

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<p>Page 50</p> <p>1 (Exhibit No. 5 marked for 2 identification.)</p> <p>3 Q (By Mr. Budge) And I will ask you: Does Exhibit 5 4 appear to be a sample screenshot that shows the view of 5 the camera that was pointed down the hallway that ran 6 along the cell -- cell hallway that included 2 West 27?</p> <p>7 A I don't have the document yet. It's not showing up. 8 I just have --</p> <p>9 Q Oh --</p> <p>10 A -- my --</p> <p>11 Q -- okay.</p> <p>12 Can you see it now?</p> <p>13 A I can.</p> <p>14 Q In the lower right-hand corner it says: 15 "30(b)(6) Deposition Exhibit 5" 16 Can you see that?</p> <p>17 A I do. I see it now. And I see 2 West 29 on the top of 18 the picture is what I can see.</p> <p>19 Q Okay. And if we're looking at this, the cell door beyond 20 2 West 29, opposite what appears to be a telephone, would 21 that be 2 West 28?</p> <p>22 A It would and the next one, 2 West 27.</p> <p>23 Q All right. And so this screenshot, then, just for the 24 record, shows the hallway outside Cell 2 West 27 as 25 recorded by the Spokane County Jail's video surveillance</p>	<p>Page 52</p> <p>1 walked down the hallway and paused outside Cindy Hill's 2 door at 2 West 27 at 10:15 a.m. on the morning of 3 August 25th, 2018, would you agree with me that the 4 video surveillance footage would provide recorded 5 footage of who that person was?</p> <p>6 A You should be able to determine who it was. Yeah, the 7 video's fairly high quality.</p> <p>8 Q And, similarly, if a member of corrections staff 9 claimed to have paused outside of Cindy Hill's door at 10 2 West 27 at 10:15 a.m. on the morning of August 25th, 11 the surveillance footage would record how long that 12 person paused outside the door, correct?</p> <p>13 A Yes.</p> <p>14 Q And will you agree with me that the same things are true 15 if any member of corrections staff claimed to have walked 16 down the hallway and paused at the outside of 17 Cindy Hill's door at 11:09, 11:23 --</p> <p>18 A 12:07.</p> <p>19 Q -- 12:07, 12:40, 1:10, 1:43, 1:58, 2:30, 3:00, and 20 3:20 p.m.?</p> <p>21 A Yes, I would agree.</p> <p>22 Q And the same things are true if any member of NaphCare 23 healthcare staff claims to have walked down the hallway 24 and paused outside of Cindy Hill's door at any time on 25 August 25th, correct?</p>
<p>Page 51</p> <p>1 system?</p> <p>2 A It does.</p> <p>3 Q And from this screenshot can we tell that, indeed, there 4 was a camera that was pointed down the hallway looking 5 down the length of that hallway that included the area 6 outside of 2 West 27?</p> <p>7 A We can, yeah. From this picture, yes.</p> <p>8 Q All right. And that camera was designed to regularly 9 record that hallway and any activity occurring in the 10 hallway throughout the course of the day?</p> <p>11 A Yes.</p> <p>12 Q If a member of corrections staff or NaphCare healthcare 13 staff walked down the hallway at any given time during 14 the day, that fact would be recorded by this camera 15 angle, correct?</p> <p>16 A It would.</p> <p>17 Q And if a member of corrections staff claimed to have 18 walked down the hallway and paused at the outside of 19 Cindy Hill's door at 2 West 27 at 10:15 a.m. on the 20 morning of August 25th, 2018, the video surveillance 21 footage from this camera angle would have recorded 22 whether or not that person was actually in the hallway 23 at the claimed time, correct?</p> <p>24 A It would.</p> <p>25 Q And if a member of corrections staff claimed to have</p>	<p>Page 53</p> <p>1 A The cameras would've recorded that as well.</p> <p>2 Q All right. And they would've recorded the number of 3 people, the identity of those people, and how long they 4 paused outside of her door if they claimed to have done 5 so, correct?</p> <p>6 A Yeah, it's a realtime recording. It can...</p> <p>7 Q Will you agree with me that if we had the video footage 8 that we know to have been filmed throughout the day on 9 August 25th and the footage that we know to have once 10 existed in recorded form from this hallway, that we could 11 compare that footage to the handwritten medical watch log 12 marked in this deposition as -- as Exhibit 3 and 13 determine whether these handwritten checks actually 14 occurred?</p> <p>15 A If we could compare the two, yeah, we could have, yes.</p> <p>16 Q And we could determine not only whether the handwritten 17 checks actually occurred, but if they were actually 18 conducted by the person who says that they conducted 19 them?</p> <p>20 A Yes.</p> <p>21 MR. JUSTICE: And I apologize. I -- 22 can I -- I need to go off the record for five minutes. 23 I've had an emergency come up. I really apologize for 24 this. It has nothing to do with this deposition. If you 25 could give me five minutes to attend to that, I'd sure</p>

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1 appreciate it.

2 MR. BUDGE: Absolutely, John. It's no

3 problem.

4 MR. JUSTICE: All right. Thank you.

5 THE VIDEOGRAPHER: Please stand by.

6 We're going off the record. The time is 11:28 a.m.

7 (Recess taken.)

8 THE VIDEOGRAPHER: We are back on the

9 record. The time is 11:36 a.m.

10 Q (By Mr. Budge) Lieutenant Hooper, are you ready to

11 continue?

12 A I am.

13 Q Okay. Just before that break we were talking about

14 how if the video footage from throughout the day on

15 August 25th still existed, we could compare that video

16 footage with the handwritten form that you see here as

17 Exhibit 3 and determine, number one, when the checks

18 actually occurred, correct?

19 A Correct.

20 Q Whether they actually occurred, correct?

21 A Correct.

22 Q Whether they actually occurred by the person who claims

23 to have done them, correct?

24 A Correct.

25 Q And how long every such person paused at the outside of

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1 Cindy Hill's door during each recorded check if, in fact,

2 they were done, correct?

3 A Correct.

4 Q And if we had the video footage from the day of

5 August 25th from the hallway outside Cell 2 West 27,

6 we could determine whether any other person whose entry

7 is not on Exhibit 3 walked down the hallway outside

8 Cindy Hill's cell and paused outside her cell door at

9 any time during the course of the day, correct?

10 A Correct.

11 Q Including any member of NaphCare healthcare staff,

12 correct?

13 A Correct.

14 Q If you look at Exhibit 5, which is the screenshot that

15 we were talking about, do you see that there are a series

16 of 21 descriptions on the left-hand side of the screen

17 which appear to be different camera angles at different

18 locations from around the jail?

19 A That's correct.

20 Q Do you think that those are the sum total of the camera

21 angles in the jail or do you --

22 A No, I --

23 Q -- not?

24 A -- do not.

25 Q Okay. There are other camera angles as well that are not

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1 listed here?

2 A There are, yeah. There's a -- I mean, right offhand,

3 we have a 4th floor, a 5th floor, a 6th floor. There's

4 a number -- a number more cameras in booking area than

5 that. So...

6 Q Okay. And if I enlarge this photograph just a little

7 bit, can we see at the top of the screen that there is

8 a little picture of a camera at -- and then it says

9 "6-2W Lwr Overflow-C112"?

10 A I do.

11 Q Do you know what those letters and numbers mean?

12 A Well, I -- the very -- "6" I don't. The "2W" is the

13 2nd floor, the west side. "Lwr" I believe is lower.

14 "Overflow"? This is this area where -- you see the

15 door down at the end of this picture all the way to the

16 back side of the picture there? This is a overflow

17 area on 2 West that is from 2 -- 2 West 24 to 2 West 30,

18 I believe. And the reason it's called overflow, it

19 actually bumps onto the east side of the building.

20 But it's built into overflow on that side of the floor.

21 And then "C112" I believe is actually the camera number.

22 Q Okay.

23 A And all the rest of the number looks like a date, like

24 2018, and probably 8 -- yeah, it looks like 8, the 25th.

25 And so some of those others is maybe a time stamp.

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1 Q Okay. And so basically this series of letters and

2 numbers indicates that -- the camera in question?

3 A Yeah, I believe so.

4 Q Okay. And, similarly, on the left side of the screen

5 we can also see that there's a 2-2W -- excuse me -- a --

6 at the top, near the top, a "2-2W Lwr Overflow"?

7 A Yes.

8 Q And also a 9 -- "9-2W Lwr Overflow."

9 Do you see that?

10 A I do see that.

11 Q And also the present camera angle is 6 -- "6-2W Lwr

12 Overflow."

13 Are -- are those all designations that refer to the

14 same basic camera angle?

15 A I believe they're referring to the same camera. And I'm

16 not 100 percent sure here, but I believe -- behind this

17 screenshot here I believe those are all the cameras that

18 they have on an active viewing screen of your -- so you

19 can drag cameras from a queue. And you go down the list,

20 "1-2W Front Door," "2W" -- and I believe there's -- it

21 looks like three or four different instances of the same

22 camera view is I believe what all those are. The -- it's

23 all the "2W Lwr Overflow." It's only one camera, but I

24 believe they have three or four different screen

25 instances -- I guess viewings of it. Feeds from it maybe

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1 **would be a better word.**

2 Q Okay. So the important designation in terms of what

3 portion of the jail that you're looking at in any

4 particular camera angle is to the right of the letters

5 where it talks about -- to the right of the first number

6 where it talks about, like, "2W Lwr Overflow"?

7 **A Yeah. The location, correct.**

8 Q Okay.

9 **A And it'd be helpful to see the "-C" number, you know,**

10 **because that tells you exactly the camera -- I believe**

11 **that -- when it says "-C112," or there's one down further**

12 **you can see, "C77," I believe that tells you the exact**

13 **camera number. "C72," that's the camera number itself.**

14 Q Okay. And at the bottom of the screenshot in the lower

15 right, can we see that there are segmented times and that

16 some of the times from this particular screenshot are

17 highlighted in red?

18 **A Yeah. It looks like that's the viewing time. It looks**

19 **from 4:00 -- or 4:00 p.m. -- a little tiny bit before**

20 **4:00 p.m. all the way to 4:02, 4:03.**

21 Q Right.

22 And so we can see that -- also that there's a box

23 in the lower right-hand corner that shows a calendar

24 identifying this as being a screenshot from August 25th,

25 2018?

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1 **A It -- it looks like that. And then down below I see**

2 **3/25/21 as well in the date window. So I don't -- I**

3 **don't know. Is that 3/25? Yeah, so -- so I see both**

4 **dates.**

5 Q That may be the time that it was burned and produced to

6 us. I'm not sure.

7 **A Okay.**

8 Q But the actual calendar that's enlarged here that shows,

9 in blue, August 25th would refer to the date of the

10 recording?

11 **A It looks like, yes, correct.**

12 Q And the -- below that it says:

13 "Earliest Playback Time: 8/25/2018 3:59:59 p.m."

14 Would that show when the -- when this particular

15 recording starts?

16 **A That's what it appears to me, that's the earliest that**

17 **recording starts.**

18 Q Okay. Now, at some point after Cindy Hill's death

19 did the Spokane County Detention Services Department

20 undertake efforts to permanently preserve some of the

21 video footage from the hallway outside Cell 2 West 27?

22 **A Yes. I believe that's what we're looking at right there,**

23 **yes.**

24 Q Why did Spokane County Detention Services undertake

25 efforts to produce -- or, excuse me, to preserve some of

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1 the video footage from the hallway outside of

2 Cell 2 West 27?

3 **A Like I mentioned earlier, like, I don't have direct**

4 **memory of this instance. But from dealing with others,**

5 **on recommendation from the detectives on scene, they're**

6 **like, "This video, an hour before -- two hours before to**

7 **an hour after." You know, they -- they gave usually**

8 **a time window and what cameras, and usually I listen to**

9 **their recommendation.**

10 Q Let me just ask you this: Within a day or two, probably

11 on the same day as Cindy Hill's death, would you agree

12 with me that Spokane County Detention Services knew that

13 this death would likely be investigated by law

14 enforcement?

15 **A I believe the day of.**

16 Q Would Spokane County Detention Services have known, at

17 least as of the time of Cindy Hill's death, that her

18 death would be subject to some form of internal

19 investigation?

20 **A Yes, same -- at the same time.**

21 Q Would Spokane County Detention Services have known that

22 Cindy Hill's death might well result in public records

23 requests by family members of the decedent seeking

24 information relating to her confinement?

25 **A It's always a possibility, yes.**

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1 Q Would Spokane County Detention Services have anticipated

2 the possibility that Miss Hill's death might result in

3 civil litigation?

4 **A As well the same -- same thing. It's always a**

5 **possibility.**

6 Q And does Spokane County Detention Services pretty much

7 know that any jail death is reasonably likely to result

8 in civil litigation?

9 **A Yeah, likely.**

10 Q Okay. And -- and for all of those reasons -- possible

11 civil litigation, public records requests,

12 internal/external investigations -- did Spokane County

13 Detention Services know that it was obligated to preserve

14 all relevant evidence relating to the circumstances

15 surrounding Miss Hill's confinement on the last day of

16 her life?

17 **A Did they know? I -- I can only speak for what I --**

18 **what I would know. But I believe anybody would know,**

19 **yeah, let's retain all the documents and all the video**

20 **and everything we think is relevant.**

21 Q Okay. So could -- could you, in as much detail as you

22 possibly can, walk me through the jail's efforts to

23 permanently preserve portions of the video footage from

24 the hallway outside Cell 2 West 27? What I'd like to

25 know is who was the person or the people who were charged

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<p style="text-align: right;">Page 62</p> <p>1 with the process of -- of preserving the video footage.</p> <p>2 And then maybe you could take me through what those</p> <p>3 people or -- or persons did.</p> <p>4 A I've talked to the people that were, and none of the</p> <p>5 people that would've been charged actually remember the</p> <p>6 incident. We have a number of critical incidents in the</p> <p>7 course of a year or a number of years, so I don't</p> <p>8 remember telling anybody to do that. But I can tell you</p> <p>9 what I would do, what I would normally do, and as well as</p> <p>10 the other officers and the sergeant. They don't recall</p> <p>11 Cindy Lou's incident versus other incidents we've had in</p> <p>12 the jail. They don't remember it specifically.</p> <p>13 Q Okay. So let -- let me just make sure that we understand</p> <p>14 for the record: Is it the case that you are not able to</p> <p>15 tell me, one way or the other, why certain portions of</p> <p>16 the video were preserved and other portions of the video</p> <p>17 were not preserved?</p> <p>18 A I -- I can't -- I can't tell you specifically, no. I</p> <p>19 don't know.</p> <p>20 Q Okay. And you don't know who the person or people were</p> <p>21 that were specifically charged with the responsibility</p> <p>22 of deciding what portions of the video relating to</p> <p>23 Cindy Hill's last day of confinement were.</p> <p>24 A I do not.</p> <p>25 Q And you've done your very best to try to find that</p>	<p style="text-align: right;">Page 64</p> <p>1 one, multiple DVDs, which this is, but -- so I guess</p> <p>2 relatively easy. I -- I think that's relatively easy.</p> <p>3 Q But I guess what I'm saying is: In terms of the</p> <p>4 processes that were in place for permanently preserving</p> <p>5 portions of video surveillance, the Spokane County</p> <p>6 Detention Services knew exactly how to do it if they had</p> <p>7 wanted to do it, correct?</p> <p>8 A Yes, we do -- we do have the knowledge.</p> <p>9 Q Okay. Are you aware of any written records, of any</p> <p>10 instructions, that were given to anybody -- emails or</p> <p>11 memo or anything like that -- in connection with deciding</p> <p>12 what to preserve and what not to preserve?</p> <p>13 A Not that I recall right offhand. I've -- I've seen</p> <p>14 Miss Hill -- the file related to Miss Hill a number of</p> <p>15 times. I don't recall seeing that document in there. It</p> <p>16 may be and I don't know.</p> <p>17 Q Have -- have you looked to see, as part of your</p> <p>18 preparation for this deposition and the topics that</p> <p>19 I designated, whether there were any written instructions</p> <p>20 or directives or anything like that from any one person</p> <p>21 to any other person about "Preserve this. Don't preserve</p> <p>22 the other," or anything of that nature?</p> <p>23 A Is the question if I looked at anything? Like I said,</p> <p>24 I don't recall seeing anything. It may be in the file.</p> <p>25 Q My question is whether you looked, in preparation for</p>
<p style="text-align: right;">Page 63</p> <p>1 information out before today?</p> <p>2 A I have. I've asked all the people that would or could've</p> <p>3 been, and nobody recalls the incident itself. Like I</p> <p>4 said, a number of videos throughout the course of a week,</p> <p>5 less critical incidents than this, but there have been</p> <p>6 other inmate deaths and that -- that nobody recalls the</p> <p>7 incident itself, no.</p> <p>8 Q And nobody -- nobody is able to say for sure who the</p> <p>9 people or the person might have been who pushed the</p> <p>10 buttons to save certain portions and -- and not other</p> <p>11 portions?</p> <p>12 A Correct. Nobody knows at this point, no. Nobody that</p> <p>13 works with us knows.</p> <p>14 Q And nobody knows why certain portions were preserved and</p> <p>15 why certain portions were not preserved?</p> <p>16 A I can only speculate, no. So no. For sure, no, I do</p> <p>17 not.</p> <p>18 Q With regard to portions of the video surveillance from</p> <p>19 outside 2 West 27 that were preserved, was that</p> <p>20 a relatively easy thing to do or would that have been</p> <p>21 a relatively easy thing to do?</p> <p>22 A Well, relatively easy? It's fairly time consuming. It</p> <p>23 almost takes realtime. You know, if it's an hour, it</p> <p>24 takes about an hour of computer. But setting a time</p> <p>25 period in the computer, inserting DVDs, if it's a lengthy</p>	<p style="text-align: right;">Page 65</p> <p>1 your deposition, to see if there was any record of any</p> <p>2 type of instruction or communication documenting which</p> <p>3 portions of the video to preserve and what portions not</p> <p>4 to preserve.</p> <p>5 A Not recently, no.</p> <p>6 Q But you did everything that you could do in advance of</p> <p>7 today's deposition to try to find out whether anybody</p> <p>8 knew why certain portions were preserved and other</p> <p>9 portions were not and you weren't able to come up with an</p> <p>10 answer to that question?</p> <p>11 A We've been searching for this video, I think there's been</p> <p>12 a number of requests from your office about the video,</p> <p>13 for a number of months. And so any other video and --</p> <p>14 and recordings of video and everything else have been</p> <p>15 looked at for -- for quite a period of time.</p> <p>16 Q And -- and -- and -- and in terms of if there were any</p> <p>17 documents relating to instructions about, that may have</p> <p>18 been given at or near the time of her death or in the</p> <p>19 days following, what to preserve and what not to</p> <p>20 preserve, do you expect you probably would've come</p> <p>21 across that?</p> <p>22 A We would've. And it would've been produced already.</p> <p>23 Q Okay. Now, we know in this case that there were</p> <p>24 portions of video surveillance from the area outside</p> <p>25 Cell 2 West 27 from the day of Cindy Hill's death that</p>

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<p>Page 66</p> <p>1 were permanently preserved, correct?</p> <p>2 A Correct.</p> <p>3 Q And we know that there were other portions of the video</p> <p>4 from the day of Cindy Hill's death from outside Cell</p> <p>5 2 West 27 that were not preserved, correct?</p> <p>6 A Correct.</p> <p>7 Q And so will you agree with me that someone at Spokane</p> <p>8 County Detention Services made the -- the conscious</p> <p>9 choice to preserve certain portions of the video?</p> <p>10 A That's accurate, yes.</p> <p>11 Q And would you agree with me that with regard to the</p> <p>12 portions that were not permanently preserved that there</p> <p>13 was a -- a -- a -- a conscious choice by Spokane County</p> <p>14 Detention Services to allow those other portions of the</p> <p>15 video to be permanently erased?</p> <p>16 A Correct, yeah. In -- in effect, if they didn't record</p> <p>17 it in 60 more days, the officers that would've been in</p> <p>18 charge of recording it knew that it would write over</p> <p>19 itself.</p> <p>20 Q And so in choosing some portions of the video to</p> <p>21 permanently preserve, Spokane County Detention Services</p> <p>22 knew that at some point in -- toward the end of</p> <p>23 October 2018, the portions that were not permanently</p> <p>24 preserved would be destroyed or erased permanently,</p> <p>25 correct?</p>	<p>Page 68</p> <p>1 A I do.</p> <p>2 Q And I am going to go ahead and fast-forward through what</p> <p>3 I believe to be the entirety of this particular video.</p> <p>4 (Video plays.)</p> <p>5 Q (By Mr. Budge) And I will ask you if this video appears</p> <p>6 to run from just about 8:43 a.m. or a few seconds before</p> <p>7 that, which we saw at the beginning, until just about</p> <p>8 a little bit past 9:11 a.m., a period of about</p> <p>9 29 minutes.</p> <p>10 Will you agree with me about that?</p> <p>11 A That -- that's accurate. That looks accurate.</p> <p>12 Q Okay. Now, the second video that I'm gonna show you is</p> <p>13 from "2-2W Lwr Overflow."</p> <p>14 (Video plays.)</p> <p>15 Q (By Mr. Budge) And does it appear from the top of the</p> <p>16 screen that this camera angle is also from Camera C112?</p> <p>17 A It looks like the same camera, correct.</p> <p>18 Q Okay. And do you see that this camera angle from the</p> <p>19 video titled "2-2 Lwr West Overflow" begins just after</p> <p>20 9:05 a.m.?</p> <p>21 A I do.</p> <p>22 (Video plays.)</p> <p>23 Q (By Mr. Budge) Okay. And if we fast-forward through the</p> <p>24 balance of this, will you agree with me that it ends at</p> <p>25 about 9:14 a.m. of a period -- so a period of about --</p>
<p>Page 67</p> <p>1 A Yes.</p> <p>2 Q Okay. With regard to the video showing the hallway</p> <p>3 outside Cell 2 West 27, I want to show you what I believe</p> <p>4 to be the entirety of the video that has been -- been</p> <p>5 produced to us in this case pursuant to our requests for</p> <p>6 production. And I'm gonna do my very best to share my</p> <p>7 screen with you and show you what I'm talking about.</p> <p>8 It'll take me just a minute to get it up here.</p> <p>9 A Okay.</p> <p>10 (Exhibit No. 6 marked for</p> <p>11 identification.)</p> <p>12 Q (By Mr. Budge) All right. Lieutenant Hooper, are -- are</p> <p>13 you able to see my screen?</p> <p>14 A Yeah, I see one top corner with the same view of 2 West</p> <p>15 29.</p> <p>16 Q Right.</p> <p>17 (Video plays.)</p> <p>18 Q (By Mr. Budge) So the portion of the video that I'm</p> <p>19 showing you right now is from the camera angle looking</p> <p>20 down the hallway outside Cell 2 West 27 titled "9-2W</p> <p>21 Lwr Overflow-Camera C112."</p> <p>22 Do you see that?</p> <p>23 A I do.</p> <p>24 Q And do you see that the timer begins at 8:43 a.m. or just</p> <p>25 a few seconds before 8:43 a.m.?</p>	<p>Page 69</p> <p>1 a period of about 12 minutes or so?</p> <p>2 A Yes.</p> <p>3 Q Okay. And so, together, will you agree with me that</p> <p>4 those two videos show the period from approximately</p> <p>5 8:43 a.m. until sometime around 9:15 a.m., a -- a period</p> <p>6 of roughly 30 or 32 minutes?</p> <p>7 A Yes, I would agree.</p> <p>8 Q And then the final video that I'm going to show you is</p> <p>9 from "6-2 Lwr Overflow."</p> <p>10 (Video plays.)</p> <p>11 Q (By Mr. Budge) And do you see that this video begins at</p> <p>12 about 4:00 p.m.?</p> <p>13 A I do.</p> <p>14 (Video plays.)</p> <p>15 Q (By Mr. Budge) And if I run this at a high fast-forward</p> <p>16 speed until the end, will you agree that in total this</p> <p>17 video runs from about 4:00 p.m. until about 6:30 p.m.?</p> <p>18 A I would agree.</p> <p>19 Q Okay. So what we have that's been preserved that we've</p> <p>20 just looked at is approximately 30 or 32 minutes in the</p> <p>21 morning of August 27th -- excuse me -- August 25th from</p> <p>22 about 8:43 a.m. until about 9:15 a.m. and then the</p> <p>23 afternoon and evening segment from about 4:00 p.m. to</p> <p>24 6:30 p.m.</p> <p>25 Will you agree with me about that?</p>

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<p style="text-align: right;">Page 70</p> <p>1 A I would agree with you.</p> <p>2 Q Okay. Are you aware of any other video that was</p> <p>3 preserved showing the hallway area outside Cell 2 West 27</p> <p>4 on August 25th, 2018, other than the approximately</p> <p>5 32 minutes in the morning from about 8:43 until about</p> <p>6 9:15 and then the afternoon segment from about 4:00 p.m.</p> <p>7 to about 6:30 p.m.?</p> <p>8 A No, I have no -- I know of no other video.</p> <p>9 Q Okay. So with regard to the video that showed the</p> <p>10 hallway outside Cell 2 West 27 where Cindy Hill was</p> <p>11 confined throughout her last day leading to her death</p> <p>12 in the early evening of August 25th, do you agree that</p> <p>13 as of the date of her death and continuing for a period</p> <p>14 of 60 days, Spokane County Detention Services had the</p> <p>15 means and ability to permanently preserve the video</p> <p>16 spanning for that entire day had it chosen to do so?</p> <p>17 A It could have, yes.</p> <p>18 Q Okay. And the period of time running from approximately</p> <p>19 9:15 in the morning until after 5:30 in the evening</p> <p>20 spanned more than eight hours, correct?</p> <p>21 A I'm thinking about it, but, yeah, a number of hours,</p> <p>22 sure. Eight hours.</p> <p>23 Q And the only portions of the video from the hallway</p> <p>24 outside Cell 2 West 27 that Spokane County Detention</p> <p>25 Services chose to preserve were about 30 or 32 minutes</p>	<p style="text-align: right;">Page 72</p> <p>1 were, in fact, conducted?</p> <p>2 A No way to confirm it by video, no.</p> <p>3 Q And will you agree with me that without that 6 hours and</p> <p>4 45 minutes it's not possible to verify through visual</p> <p>5 observation not only whether or not they were done, but</p> <p>6 anything about the checks like how long the corrections</p> <p>7 officers paused at Cindy Hill's cell if, in fact, they</p> <p>8 did so?</p> <p>9 A I would agree.</p> <p>10 Q Would you agree that without that 6 hours and 45 minutes</p> <p>11 it's impossible to verify visually whether any other</p> <p>12 person, including, but not limited to, a member of</p> <p>13 NaphCare healthcare staff, did or did not come down the</p> <p>14 hallway at any time between 9:15 a.m. and 4:00 p.m.?</p> <p>15 A No way to confirm it at this point.</p> <p>16 Q In contrast to what actually occurred in this case</p> <p>17 with regard to the video that was preserved and the</p> <p>18 video that was destroyed, will you agree that it was</p> <p>19 possible, with relative minimal effort, to preserve the</p> <p>20 entire day's worth of video footage showing the outside</p> <p>21 of the portion of the hallway where Cindy Hill was</p> <p>22 confined during the 6 hours and 45 minutes that we now</p> <p>23 know to be missing?</p> <p>24 A It would've been able to, yes.</p> <p>25 Q Okay. And so will you agree that the decision to permit</p>
<p style="text-align: right;">Page 71</p> <p>1 from the very early morning period and then the</p> <p>2 approximately two-and-a-half-hour period from 4:00 p.m.</p> <p>3 till 6:30 p.m., correct?</p> <p>4 A Correct.</p> <p>5 Q Whereas the period of video that Spokane County Detention</p> <p>6 Services chose to allow to be destroyed are the portions</p> <p>7 spanning from about 9:15 in the morning until 4:00 p.m.,</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q And that portion of destroyed video spans about 6 hours</p> <p>11 and 45 minutes.</p> <p>12 Will you agree with me about that?</p> <p>13 A I would agree.</p> <p>14 Q Okay. That 6-hour-and-45-minute span from 9:15 a.m. to</p> <p>15 4:00 p.m., has that been permanently destroyed so that it</p> <p>16 can no longer be restored or replaced?</p> <p>17 A Had we been -- there's no copies of it and -- and it</p> <p>18 would've been written over a number of times since then.</p> <p>19 Q Okay. And so, just for the record, it can no longer be</p> <p>20 restored or replaced, correct?</p> <p>21 A It can no longer, yeah. It's not possible.</p> <p>22 Q Without that 6-hour-and-45-minute span, will you agree</p> <p>23 with me that it is not possible to verify through visual</p> <p>24 observation whether or not any of the claimed checks that</p> <p>25 are recorded in handwriting by the corrections officers</p>	<p style="text-align: right;">Page 73</p> <p>1 the destruction of that 6-hour-and-45-minute span was --</p> <p>2 was an intentional decision by Spokane County Detention</p> <p>3 Services?</p> <p>4 MR. JUSTICE: Object to the form.</p> <p>5 You -- you can answer.</p> <p>6 THE WITNESS: And I -- I -- I guess</p> <p>7 I wouldn't agree that it's a intentional act or an</p> <p>8 oversight or a -- or it was produced at one time and --</p> <p>9 and then no longer -- you know, it's lost or something.</p> <p>10 So I -- I guess I don't know the answer to that.</p> <p>11 Q (By Mr. Budge) And you can't tell me, despite your best</p> <p>12 efforts, why Spokane County Detention Services chose not</p> <p>13 to permanently preserve the 6-hour-and-45-minute span</p> <p>14 that we now know to have been destroyed?</p> <p>15 A I -- I --</p> <p>16 MR. JUSTICE: Objection.</p> <p>17 THE WITNESS: -- I -- I --</p> <p>18 MR. JUSTICE: Asked and answered. You</p> <p>19 can answer.</p> <p>20 THE WITNESS: -- I have no way to</p> <p>21 know.</p> <p>22 Q (By Mr. Budge) Can you tell me when the decision was</p> <p>23 made to preserve certain portions and not preserve other</p> <p>24 portions?</p> <p>25 A I can speculate. I can't tell you for sure. I -- I</p>

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<p style="text-align: right;">Page 74</p> <p>1 would think the day of or within a couple of days, but</p> <p>2 I -- like I said, I -- I'm not 100 percent sure of that.</p> <p>3 I don't recall.</p> <p>4 Q Do you know whether anybody reviewed the</p> <p>5 6-hour-and-45-minute period of deleted video before it</p> <p>6 was permanently destroyed or erased?</p> <p>7 A I -- I don't know that.</p> <p>8 Q Are you aware of any written documentation of any kind</p> <p>9 of what that 6-hour-and-45-minute span of video revealed?</p> <p>10 Such as, for example, anybody created a timeline or</p> <p>11 a summary or a series of screenshots or notes or anything</p> <p>12 like that that showed what was on the video and what</p> <p>13 wasn't on the video?</p> <p>14 A I don't know of any document, no.</p> <p>15 Q Do you know if anybody at Spokane County Detention</p> <p>16 Services -- or anybody else, for that matter -- who can</p> <p>17 testify under oath about what was on that</p> <p>18 6-hour-and-45-minute span or what wasn't on that</p> <p>19 6-hour-and-45-minute span?</p> <p>20 A I don't know of anybody. I don't believe there is</p> <p>21 anybody.</p> <p>22 Q Do you have any -- any further additional explanation</p> <p>23 for Spokane County Detention Services' destruction of</p> <p>24 the 6-hour-and-45-minute span that you haven't offered</p> <p>25 or attempted to offer?</p>	<p style="text-align: right;">Page 76</p> <p>1 data, video and audio recordings and information held by</p> <p>2 Detention Services shall be maintained subject to</p> <p>3 WAC 44-14-03005. Retention" -- "Record retention</p> <p>4 schedules are established by the Washington Secretary of</p> <p>5 State."</p> <p>6 And then Exhibit 8, which I'll show you, is another</p> <p>7 document relating to "Records and Data Practices,"</p> <p>8 Spokane County Detention Services.</p> <p>9 (Exhibit No. 8 marked for</p> <p>10 identification.)</p> <p>11 Q (By Mr. Budge) Are you familiar with this document?</p> <p>12 A I believe I've seen it. Not recently, but, yeah, I've</p> <p>13 seen this document as well.</p> <p>14 Q And once again, if we look at this document,</p> <p>15 Policy 207.4, "Retention of Records," again says:</p> <p>16 "All official files, documents, records, electronic</p> <p>17 data, video and audio recordings, and information held by</p> <p>18 Spokane County Detention Services shall be maintained</p> <p>19 subject to WAC 44-14-03005. Retention schedules are</p> <p>20 established by the Washington Secretary of State and</p> <p>21 available on the office's website."</p> <p>22 And then I'm going to show you Exhibit 9.</p> <p>23 (Exhibit No. 9 marked for</p> <p>24 identification.)</p> <p>25 Q (By Mr. Budge) Do you see that this is a document which</p>
<p style="text-align: right;">Page 75</p> <p>1 A I don't have any other information, no.</p> <p>2 Q Have you looked to see -- and perhaps you've answered</p> <p>3 this and if you have, I apologize -- whether there were</p> <p>4 any type of written standards or protocols that were in</p> <p>5 place for the retention of surveillance video?</p> <p>6 A They are, but they talk about critical incidents. You</p> <p>7 know, incidents retained, video-related incidents. It</p> <p>8 doesn't specify the number of hours or anything. It's</p> <p>9 with not that level of specificity.</p> <p>10 Q I'm gonna show you Exhibit 7 to your deposition.</p> <p>11 (Exhibit No. 7 marked for</p> <p>12 identification.)</p> <p>13 Q (By Mr. Budge) Are you able to see Exhibit 7?</p> <p>14 A I am.</p> <p>15 Q Okay. And this appears to be a one-page document titled</p> <p>16 "Records and Data Practices."</p> <p>17 Are you familiar with this particular document?</p> <p>18 A I -- I am. I've read this policy.</p> <p>19 Q Okay. What -- what is the intention of this policy?</p> <p>20 A Well, specifically I think, as we're -- as the things</p> <p>21 we're discussing, is C 214.3 is just to retain all the</p> <p>22 documents, records, electronic data, video, audio</p> <p>23 recordings and that it's consistent with that WAC.</p> <p>24 Q Okay. So it says:</p> <p>25 "All official files, documents, records, electronic</p>	<p style="text-align: right;">Page 77</p> <p>1 bears the logo of the office of the Secretary of State in</p> <p>2 the upper left-hand corner?</p> <p>3 A I do.</p> <p>4 Q Okay. Are you familiar with this table from the</p> <p>5 Washington Secretary of State for law enforcement records</p> <p>6 retention?</p> <p>7 A I've seen it or a more recent version of it, yes.</p> <p>8 Q Okay. And this one bears the date of January 2017.</p> <p>9 It appears to have several different categories, one</p> <p>10 of which relates to "Phone Conversations," one of which</p> <p>11 relates to "Security Recordings" which "do contain an</p> <p>12 incident identified by an inmate, agency personnel,</p> <p>13 or pending public disclosure request" that says:</p> <p>14 "Retain until appeals process, then destroy."</p> <p>15 And the next one says:</p> <p>16 "Recordings, Security - Incident Not Identified</p> <p>17 "Recordings, created as security measures, which do</p> <p>18 not contain an incident identified by an inmate, agency</p> <p>19 personnel, or pending public disclosure request.</p> <p>20 "Retain for 60 days after date of recording, then</p> <p>21 destroy."</p> <p>22 And then the final one refers to "Requests</p> <p>23 (Inmate)":</p> <p>24 "Retain for 3 years after date of request, then</p> <p>25 destroy."</p>

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<p style="text-align: right;">Page 78</p> <p>1 To be perfectly honest with you, when I look at 2 this, I find it very confusing. 3 A Yeah, I would. 4 Q But -- 5 A It -- it's confusing to me, too, because it doesn't have 6 much specificity related to -- or incident identified, 7 you know? That's, I would think, the one that applies. 8 And it doesn't give any time periods that you want one 9 hour of recording? Twelve hours of recording? Two days? 10 You know, it doesn't -- doesn't give us a lot of 11 information. 12 Q Right. Okay. 13 But ultimately the way Spokane County had -- the 14 Spokane County Detention Services had its policy was 15 that jail surveillance recordings would be retained for 16 60 days and then destroyed unless otherwise preserved, 17 right? 18 A Correct. Yep. 19 Q Okay. 20 A Yeah, 64. 21 (Exhibit No. 10 marked for 22 identification.) 23 Q (By Mr. Budge) Exhibit 10 is -- which I have here up on 24 the screen -- appears to be in -- let me just kinda back 25 up and I'll identify this exhibit a little bit better.</p>	<p style="text-align: right;">Page 80</p> <p>1 "Video: Need" under your name, Lt. Hooper. 2 Can you tell me what this is -- what this is all 3 about, this -- 4 A Yeah. 5 Q -- apparent memo? 6 A We were sending any of the recent inmate deaths to an 7 outside doctor to review. And it looks like this is 8 just kinda to make sure that the binders we -- that I 9 was discussing had all the relevant documents -- the 10 death certificate, the copy of the police reports, our 11 own incident reports -- and as -- I'm just going down 12 1 through 7 -- as everything we need to conduct a 13 mortality review. 14 Q Okay. And so the idea was that you, Lieutenant Hooper, 15 would get the video relating to Cindy Hill that existed 16 as of April of -- of 2019 -- 17 A Correct. 18 Q -- and compile it in such a way that it could be 19 delivered to Dr. Hammond for outside review? 20 A I believe that's exactly it. That's correct. 21 Q Okay. All right. 22 MR. BUDGE: Off the record. 23 (Discussion off of the 24 stenographic record.) 25 THE VIDEOGRAPHER: Please stand by.</p>
<p style="text-align: right;">Page 79</p> <p>1 It -- it bears a couple of production numbers, 2 NCHG_004806 and 4805. It appears to me to be an email 3 from Ian O'Neill at NaphCare with an attachment that says 4 "Mortality Reports.Follow-Up." And then maybe I'm wrong, 5 but the top appears to be the attachment. 6 Does that appear to be what that is? 7 A And I'm just -- as I -- I look at it, and that's -- 8 little table down below, because it looked like that 9 was an Excel. The attachment says it was a doc with an 10 x. I think that's an Excel. I -- I was thinking this 11 document down below that's mostly blacked out was 12 actually the attachment. And I'm not 100 percent sure 13 of that. 14 Q Okay. In any event, it -- it says at the top of the 15 document from acting Director Sparber, Donna Hypes, to 16 you, Lieutenant Hooper, and another lieutenant and 17 sergeant and others. 18 "As a top priority, our agency is currently catching 19 up on the completion of Inmate Mortality Reports." 20 And then Subpart 6 says: 21 "Video of incident (if available) - Lt. Hooper." 22 And then below that there's a table and it says: 23 "Hill, Cindy 24 "Medical/Command Review: Need" 25 And then:</p>	<p style="text-align: right;">Page 81</p> <p>1 We're going off the record. The time is 12:19. 2 (Recess taken.) 3 THE VIDEOGRAPHER: We are back on the 4 record. The time is 12:31 p.m. 5 MR. BUDGE: All right. Thank you, 6 Lieutenant Hooper, for this 30(b)(6) deposition. I have 7 no further questions for you today. I appreciate your 8 time. 9 THE WITNESS: Okay. You're welcome. 10 MR. JUSTICE: All right. See everyone 11 at 1:00. 12 THE VIDEOGRAPHER: This concludes the 13 video recorded deposition of Spokane County 30(b)(6) 14 taken on July 21st, 2021. The time is 12:31 p.m. and we 15 are off the record. 16 (Signature reserved.) 17 (Deposition concluded at 18 12:31 p.m.) 19 20 21 22 23 24 25</p>

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<p>1 A F F I D A V I T</p> <p>2</p> <p>3 STATE OF WASHINGTON)</p> <p>4) ss</p> <p>5 County of Pierce)</p> <p>6</p> <p>7 I, DON HOOPER, hereby declare under penalty of</p> <p>8 perjury that I have read the foregoing 30(b)(6)</p> <p>9 deposition and that the testimony contained herein is a</p> <p>10 true and correct transcript of my testimony, noting the</p> <p>11 attached corrections.</p> <p>12</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 DON HOOPER</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Date: _____</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>		<p>SIGNATURE PROCEDURE INSTRUCTIONS TO WITNESS</p> <p>Date: July 27, 2021</p> <p>To: John Justice</p> <p>Law, Lyman, Daniel, Kamerrer & Bogdanovich, PS</p> <p>2674 RW Johnson Boulevard Southwest</p> <p>Tumwater, Washington 98512</p> <p>Case: ESTATE OF HILL v. NAPHCARE</p> <p>30(b)(6) Deposition of: DON HOOPER</p> <p>Date Taken: July 21, 2021</p> <p>The above transcript must be read and the Correction Sheet signed within 30</p> <p>days of this notice or before the trial date. If the Correction Sheet is not</p> <p>signed within that time period, signature will be deemed waived</p> <p>for all purposes.</p> <p>Following the instructions given on the Correction Sheet, please read the</p> <p>enclosed transcript, sign the Correction Sheet, and mail the signed Correction</p> <p>Sheet to our office at the above address.</p> <p>Reporter: April Cook, CCR</p> <p>cc: Edwin Budge, Erin Ehlert</p>	
<p>1 STATE OF WASHINGTON) I, April Cook, CCR #3245,</p> <p>2) ss a certified court reporter</p> <p>3 County of Pierce) in the State of Washington, do</p> <p>4 hereby certify:</p> <p>5</p> <p>6 That the foregoing 30(b)(6) deposition of SPOKANE</p> <p>7 COUNTY through its representative, DON HOOPER, was taken</p> <p>8 before me and completed, within the limits of technology, on</p> <p>9 July 21, 2021, and thereafter was transcribed under my</p> <p>10 direction; that the deposition is a full, true and complete</p> <p>11 transcript of the testimony of said witness, including all</p> <p>12 questions, answers, objections, motions and exceptions;</p> <p>13</p> <p>14 That the witness, before examination, was by me duly</p> <p>15 sworn to testify the truth, the whole truth, and nothing but</p> <p>16 the truth, and that the witness reserved the right of</p> <p>17 signature;</p> <p>18 That I am not a relative, employee, attorney or counsel</p> <p>19 of any party to this action or relative or employee of any</p> <p>20 such attorney or counsel and that I am not financially</p> <p>21 interested in the said action or the outcome thereof;</p> <p>22</p> <p>23 That I am herewith securely sealing the said deposition</p> <p>24 and promptly delivering the same to Edwin Budge.</p> <p>25 IN WITNESS WHEREOF, I have hereunto set my signature on</p> <p>the 27th day of July, 2021.</p> <p>_____</p> <p>April Cook, CCR</p> <p>Certified Court Reporter No. 3245</p> <p>(Certification expires 10/11/21.)</p>		<p>CORRECTION SHEET</p> <p>Deposition of: DON HOOPER</p> <p>Date: July 21, 2021</p> <p>Case: ESTATE OF HILL v. NAPHCARE</p> <p>Cause No.: 2:20-cv-00410-RMP</p> <p>Reporter: April Cook, CCR</p> <p>Instructions: Please carefully read your deposition and on this correction</p> <p>sheet make any changes or corrections in form or substance that you feel</p> <p>should be made. You may add additional sheets, if necessary. After completing</p> <p>this form, please sign your name in the space provided.</p> <p>Please do not mark the transcript. Thank you.</p> <p>PAGE # LINE # CORRECTION REASON FOR CORRECTION</p> <p>SIGNATURE OF WITNESS: _____</p>	

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